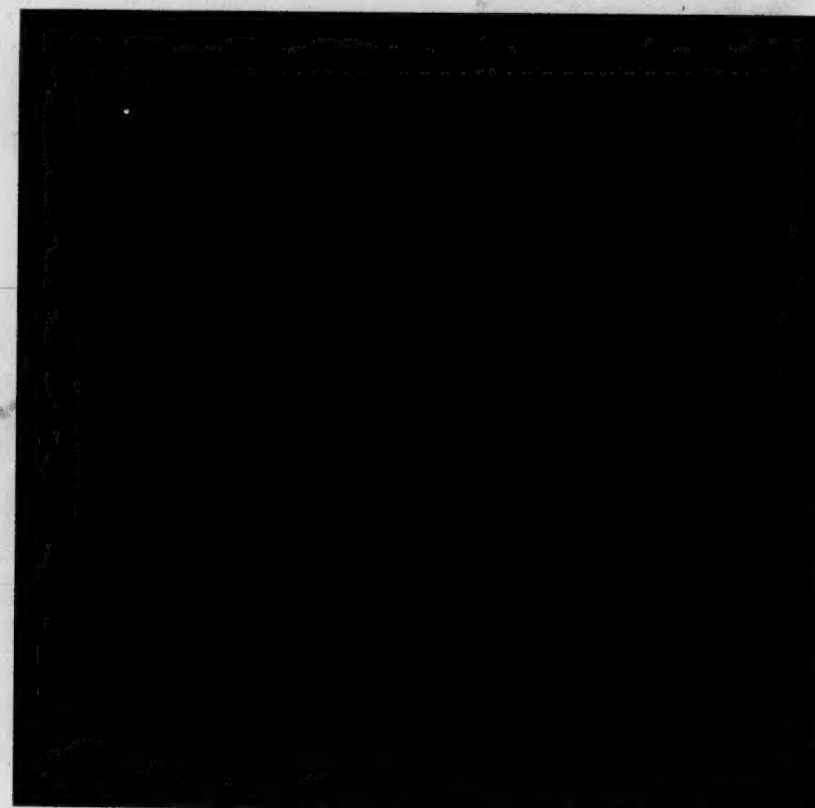
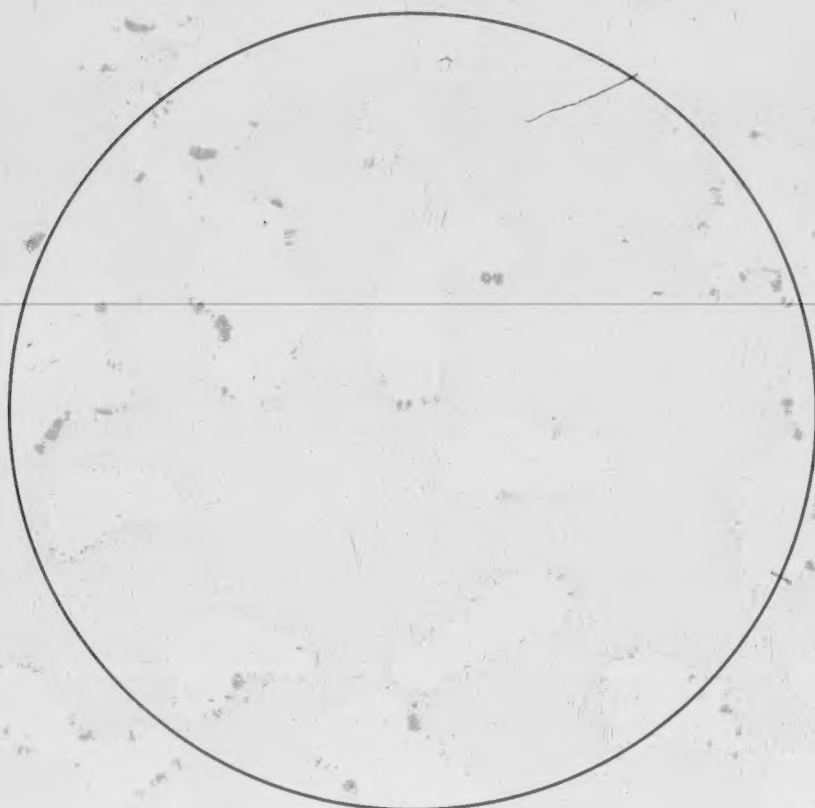
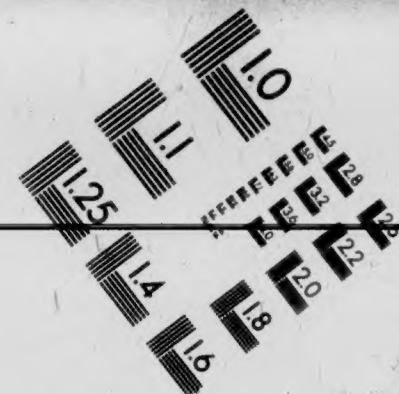
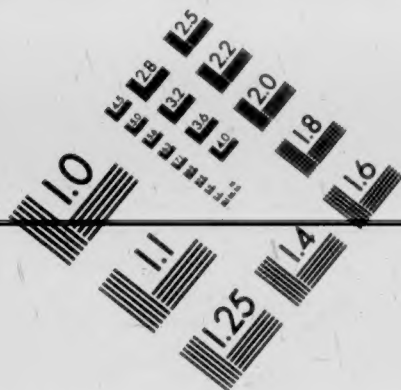
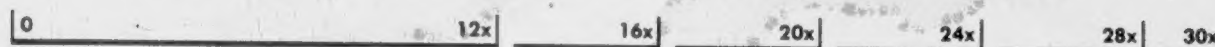




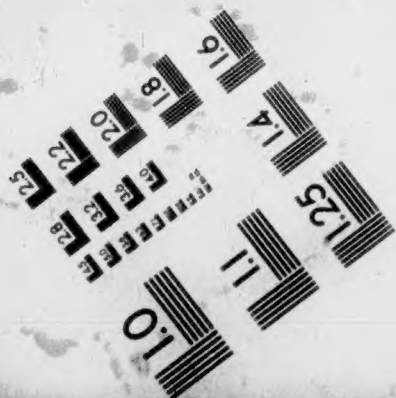
NATIONAL ARCHIVES CENTER  
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY  
PHOTOGRAPHIC SCIENCES CORPORATION  
770 BAKER ROAD  
P.O. BOX 358  
WHITEST, NEW YORK, 14180





**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**  
Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 343

CHEROKEE R674 - R723

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher R 674

Cher R 674

a-

COMMISSIONER OF THE GENERAL LAND OFFICE  
WASHINGTON, D. C.

SEP 20 1906

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
PRYOR CREEK, I. T., SEPTEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Jennie Ross Murrell for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Jennie Ross Murrell.  
Q What is your age? A Sixty two.  
Q What is your Postoffice? A Bayou Goula, Louisiana.  
Q What is your residence? A Bayou Goula, Louisiana.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood? A Yes sir.  
Q What degree of blood do you claim? A I do not know; I claim one half I reckon.  
Q How long have you resided in the Cherokee Nation?  
A I was born and raised here: I lived here until I was over thirty years old.  
Q You have not lived here since 1865 then? A I was here after the War one year and a half.  
Q What year did you leave here? A I do not remember: I went away the following Winter.  
Q I want to know how long you have lived in Louisiana?  
A Thirty years.  
Q Have you ever been readmitted to citizenship? A Yes sir.  
Q Have you your certificate? A Yes sir.  
Q You present a certified copy of an Act of the Cherokee Council, bearing date of November 30th, 1885, certifying that among others, one Jennie Ross Murrell was ~~admitted~~ readmitted to citizenship on November 30th, 1885: Are you the identical Jennie Ross Murrell mentioned in this certificate? A Yes sir.  
Q For whom do you apply for enrollment? A For myself.  
Q Is your name upon the authenticated roll of 1880? A I do not know; it is on the 1896 Roll; I was admitted in 1885.

(1896 Roll, Page 1214, #2282, J. P. R. Murrell, Tahlequah District)

The name of Jennie Ross Murrell appears upon the census roll of 1896: She also presents a certificate of admission, admitting her as a citizen of the Cherokee Nation on November 30th, 1885, by a Special Act of the Council, passed; approved December 2nd, 1885. She avers that she has not been a resident of the Cherokee Nation for the last thirty years, and is an actual resident of the State of Louisiana: Final judgment as to the application of the said Jennie Ross Murrell will be suspended, and her name will be placed on a doubtful card.

Upon rendering a decision as to her application, she will be informed of the same through mail.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me  
this 14th day of September, 1900.

*R. P. Craven*

*T. B. Needles*

COMMISSIONER.

91-

DEPT. OF THE INTERIOR  
COMMISSION OF THE FIVE CIVILIZED TRIBES  
JULY 1, 1877  
SILVER 1000

**Statement of Applicant Taken Under Oath.**

## CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 13 1900 1900.

Name Idayah Loula L.A.

District ..... Year 0 Page ..... No. ....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License Certificate

Wife's name Ernest Cross Murrell

District TAHLEQUAH, Year 1886 Page 8214 No. 2282

**Citizen by blood** *Ans 1/2* **Mother's citizenship**

Intermarried citizen.....

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License.....

**Names of Children:**

Dist. \_\_\_\_\_ Fear \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

in 1896 roll as J. P. R. Murrell

285



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JENNIE P. ROSS MURRELL as a citizen of the Cherokee Nation; introduced on part of applicant:

Appearances:

Applicant by Joshua Ross, Muskogee, I.T.;  
Mr. W. W. Hastings, Cherokee representative.

Commission of Mr. Ross: Is there any statement you desire to make relative to this case, Mr. Ross? A Yes, I offer a certificate of Jennie Ross Murrell but they have omitted the P.

Commission: There is offered in evidence a certified copy of Senate Bill No. 13, the Act readmitting Jennie Ross Murrell and family to citizenship in the Cherokee Nation on the 30th day of November, 1885. The same is filed herewith.

There is also offered in evidence a certified copy of Senate Bill No. 17, an Act making appropriation for the benefit of persons omitted and entitled in participating in the payment of the per capita money of the trip lands west of the Arkansas River. Among the persons mentioned in said act appears the name of J. P. R. Murrell, No. 41. The same is filed herewith.

Commission of Mr. Ross: Is there any further statement you desire to make in this case? A Yes, I want to make a little statement:

JOSHUA ROSS, being duly sworn, testified as follows on behalf of the applicant:

By the Commission:

Q What is your name? A Joshua Ross.  
Q How old are you, Mr. Ross? A I am 69 years old.  
Q Post office address? A Muskogee.  
Q You are the agent for the applicant in this case, Jennie P. Ross Murrell? A Yes, sir.  
Q Do you desire to make a statement relative to her enrollment?  
A Yes, sir. Jennie P. Ross Murrell is a native Cherokee Indian, aged & near about 64 years, born March 28, 38, in Flint District, Cherokee Nation. Her father, Andy Ross and mother, Susan Ross, were both Cherokee Indians by blood. Their names appear on the Cherokee census roll of 1835.

Mr. Hastings: That I object to.

Chief John Ross was her uncle and George Lowrey, Assistant Chief of the Cherokee Nation, was her maternal grandfather. Her old ancestors of the old Cherokee Nation were native Cherokee Indians who lived at the foot of Lookout Mountains and in the Valley of the Tennessee River. Jennie Ross Murrell was a pupil of the Fairfield Mission School and the National Female Seminary at Park Hill, graduating in 1855, and in 1865 or '6 she taught the public school at Vann's in Saline district. The bride of John D. Murrell in 1870 she followed her husband to his sugar plantation at Bayou La Poudre, Louisiana. At Park Hill she left a cabin and an old field. In Saline she left live-stock, which remains there to this day, and they are her effects.

Mr. Hastings: You mean this live-stock remains there?

Mr. Ross: I mean the increase of them; all of them don't remain there.

In 1885 Jennie Ross Murrell was readmitted to Cherokee citizenship by the National Council without condition, thus protecting her natural and inherent rights of land and money in the Cherokee Nation. She was paid Cherokee strip money in 1894 by special Act of Council. In 1896 she was again enrolled a Cherokee citizen by Act of Cherokee Nation Council at Tahlequah, Indian Territory. She and her husband since day of their marriage have spent summer in the Cherokee Nation and have often returned to the mild winters of his plantation in Louisiana. In 1900, she came to her sick brother, Joseph M. Ross, of Locust Grove, Indian Territory, and was with him until his death September 4, 1900. He had been the faithful custodian of her personal property in Saline district and her effect are there now; never removed outside of the Cherokee Nation. For the reason and facts stated she prays this Honorable Commission to the Five Civilized Tribes of the Indian Territory and the Honorable Attorney of the Cherokee Nation to place her name, Jennie Ross Murrell, on their final authenticated census roll of the Cherokee Nation, as a citizen entitled to natural and inherent and legal rights to Cherokee land and money.

MR. HASTINGS:

- Q where does she live now? A She lives down in Louisiana.  
 Q And has lived there ever since 1870? A Yes, sir, and coming back-  
 Q On visits; when she came here she has only come back on visits?  
 A Yes, sir.  
 Q Her husband lives there? A Yes, sir.  
 Q And has a home there? A Yes, sir.  
 Q Has a business there? A Yes, sir.  
 Q A sugar plantation? A Yes, sir.

Commission: Do you submit this case to the Commission for final consideration? A Yes, I submit it and if I have to appeal I will pray for an appeal.

Q You will be given ample time an opportunity to do that.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit this case to the Commission for final consideration. The same is ordered closed and reported to the Commission for final decision based upon the evidence now filed.

---00000000---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 28, 1902.

*J. O. Rossen*  
*[Signature]*

Commission.



COPY.

Senate Bill No. 13.

An Act re-admitting Jennie Ross Marrell and family to citizenship

Be it enacted by the National Council; That Jennie Ross Marrell and her daughter Kate Marrell and her husband John D. Marrell a white man be and they are hereby re-admitted to the rights of citizenship in the Cherokee Nation.

Provided this Act shall not take effect as to John D. Marrell until after he shall have complied with the Act of the National Council regulating intermarriage with white men and foreigners.

Nov. 30 1885.

(signed) L. B. Bell,

Pres. Senate.

R. T. Hanks,  
Clerk.

Concurred in by the House on this the 2nd of Dec 1885

Alexander Hawk

Speaker Council

G.C. Lipe,  
Clerk Council

I hereby certify that the above is a true copy of Senate Bill No. 13, 1885, as ex record in this Office.

(SERIAL)

(signed) B.W. Alberty,

Asst Ex Secy.

Marginal note: \*Approved Dec 2, 1885,

D.W. Bushyhead, Prin Chief.

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., July 24, 1902.

I M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly transcribed the foregoing and that same is a true and complete copy of the original.

M.D. Green

(COPY)

Bill No. 17.

An Act making an appropriation for the benefit of persons entitled and admitted from participating in the per- capita money of the proceeds of the Strip lands, west of the Arkansas River.

Be it enacted by the National Council:

That the following named persons be paid by the Treasurer, on the warrant of the Principal Chief, out of the reserved strip fund to each Two Hundred and Sixty Five Dollars and Seventy cents, found to be entitled and enrolled by the revising Committee of Tahlequah District.

Be it further enacted, That the principal Chief be and he is hereby authorized to draw his warrants in favor of such persons, on the Treasurer accordingly.

1	Sarah Ross	Per Capita	\$265.70
2	Jane Hicks	" " "	265.70
3	Hannah "	" " "	265.70
4	Polly "	" " "	265.70
5	Charles H	" " "	265.70
6	Edward "	" " "	265.70
7	Jesse "	" " "	265.70
8	Ed Whitmire	" " "	265.70
9	Claborne Manns	" " "	265.70
10	George W. Ross	" " "	265.70
11	Thomas Hendricks	" " "	265.70
12	Samuel Hair,	" " "	265.70
13	Oliver Duncan	" " "	265.70
14	John Tail	" " "	265.70
15	Wesley Martin	" " "	265.70
16	J. L. Thompson	" " "	265.70
17	H. L. Thompson	" " "	265.70
18	Hoxie Thompson	" " "	265.70
19	Anna M Thompson	" " "	265.70
20	Malcolm Crain	" " "	265.70
21	Pauline Crain	" " "	265.70
22	Leu Thompson	" " "	265.70
23	Alexander Thompson	" " "	265.70
24	Louise Thompson	" " "	265.70
25	Beer Liver	" " "	265.70
26	T J. Carter	" " "	265.70
27	Julian Parker	" " "	265.70
28	Nancy Parker	" " "	265.70
29	Mailine Parker	" " "	265.70
30	Rena Parker	" " "	265.70
31	Mattie Parker Parker	" " "	265.70
32	William Parker	" " "	265.70
33	Calcutt Parker	" " "	265.70
34	Mary Parker	" " "	265.70
35	Reube Parker	" " "	265.70
36	Agnes Parker	" " "	265.70
37	Jane Raft	" " "	265.70
38	Thomas Franier,	" " "	265.70
39	Jack Harango	" " "	265.70
40	J.P.R. Harrell	" " "	265.70
41	Fannie M. Alexander	" " "	265.70
42	Rosa Chambers	" " "	265.70
43	George M. Alexander	" " "	265.70

45	James Alexander	Per Capita	\$265.70
46	Willy Chambers	" " "	265.70
47	Johnson Three Miller	" " "	265.70

and be it further enacted that the above sums shall be immediately available to the parties herein named,

Passed the Senate Nov-23rd 1894.

C.W.Willey

Clk of Senate

Richard M Wolfe

President of Senate

Concurred in by the Council Nov 23rd 1894. with the following amendment, or any monies not otherwise appropriated belonging to the general fund or derived from the sale of the Strip Lands.

Bird Jones

J. H. Dick,

Speaker council

Clk of Council

(SEAL)

Amendment concurred in by the Senate Nov 26 1894.

Isaac Jacobs

J.C.Starr,

President Senate

Clk of Senate Pro tem

Pro tem

Approved Nov 27th, 1894.

C.J.Harris,

Prin Chief.

Executive Department,  
Cherokee Nation, I.T., October 16, 1896.

I, William M. Sulager, assistant executive secretary hereby certify that the within three pages is a true and correct copy of the original now on file in this Department.

Given under the seal of the Cherokee Nation at Tahlequah, I.T.  
day and date above written.

(signed) William M. Sulager

(seal)

Department of the Interior, Five Tribes Commission, July 21, 1902.

I, J.B. Green, do hereby certify that a copy of the original of the Five Civilized Tribes was sent to the Department of the Interior, July 21, 1902.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Ross Murrell for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on September 13, 1900, Jennie Ross Murrell appeared before the Commission at Pryor Creek, Indian Territory, and then and there made personal application for her enrollment as a citizen by blood of the Cherokee Nation.

On February 24, 1902, applicant, by her agent, appeared before the Commission at its office in Muskogee, Indian Territory, and submitted further evidence in the matter of this application.

The evidence shows that Jennie Ross Murrell was born, and lived in the Cherokee Nation until 1870. Since 1870 her residence has been in the State of Louisiana. She was re-admitted to citizenship in the Cherokee Nation on November 30, 1885, but has not removed to and located in the Cherokee Nation since the date of her re-admission. She is identified on the Cherokee Census roll of 1894.

The authority of the Commission herein is defined in Paragraph 9, Article 21 of the Act of Congress, June 23, 1898 (30 Stat., 495), which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of this Commission that Jennie Ross Murrell is not lawfully entitled to be enrolled as a member by blood of the Cherokee tribe of Indians in Indian Territory, and

that her application for enrollment as such should be denied, and  
it is so ordered.

~~THE COMMISSION TO THE NEW CIVILIZED TRIBES.~~

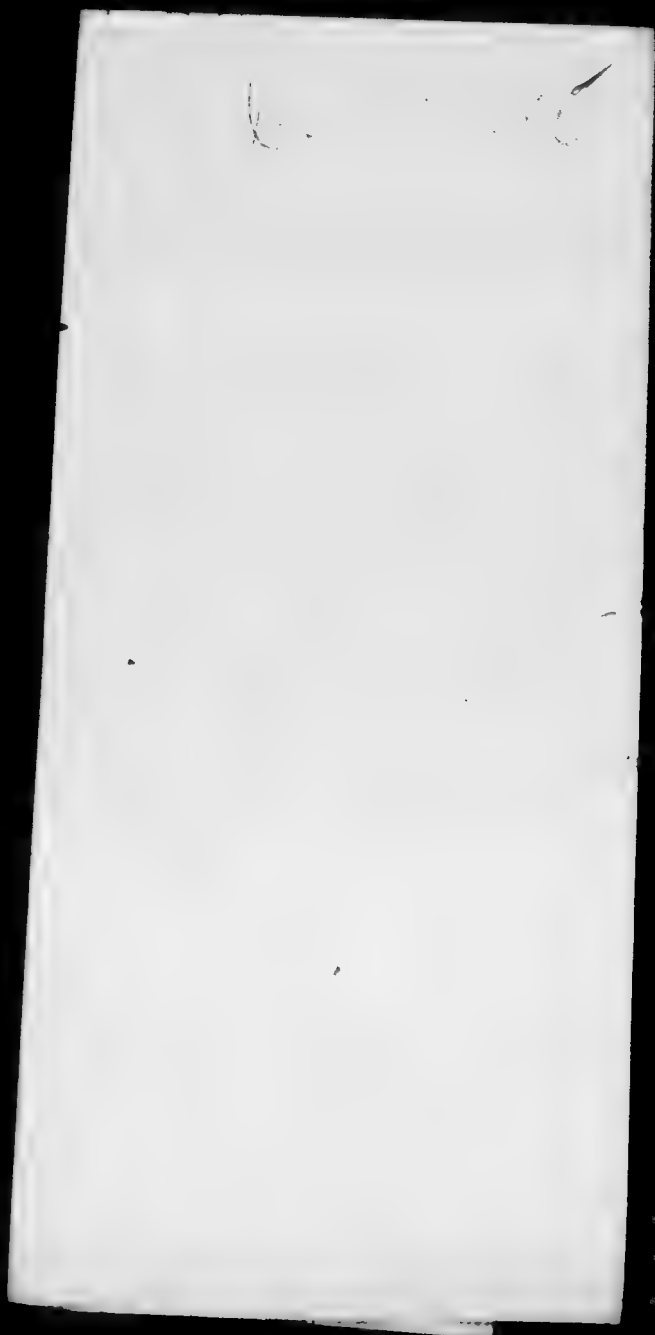
  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,

this                     JUL 29 1902



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....February 6th,

1902

Mrs. Jennie P. Ross Murrell,  
Bayou-Gaula, Louisiana,

Madam:-

You are hereby notified that the application of..... yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

24th day of february, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certificate of readmission.

Yours truly,

CherokeeD-285

Register.

Acting Chairman.

D.

D. 285

181  
123 6 100

*[Handwritten signature]*

181



JOHN J. GARDNER,  
JOHN J. GARDNER,  
JOHN J. GARDNER,  
JOHN J. GARDNER,  
JOHN J. GARDNER.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALSTON L. AYLESWORTH,  
SECRETARY.

Muskogee - Ga. Feb 7 1902

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Jessie P. Ross Murrell for enrollment as  
citizen  
~~Freeholder~~ of the Cherokee Nation.

No. 285

Jessie P. Ross  
Agent for Claimant

COPY

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Jennie Ross Murrell for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. Needles*

Commissioner in Charge.

Enc. C. No. 70.

COPY

Waskagee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jennie Ross Murrell for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*B. Needles.*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 71.

COPY

Cherokee D 285.

Muskogee, Indian Territory, July 29, 1902.

Jennie Ross Murrell,

Bayou-Goula, Louisiana.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your agent, Joshua Ross, Muskogee, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

E. Needles

Commissioner in Charge.

Register.

Enc. C. No. 68.

COPY

Cherokee D 285.

Muskogee, Indian Territory, July 29, 1902.

Joshua Ross,

Agent for Jennie Ross Murrell,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Jennie Ross Murrell for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 69.

Refer in reply to  
the following:

COPY.

Land  
45882-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record relative to the application of Jennie Ross Murrell for enrollment as a citizen by blood of the Cherokee Nation.

The applicant was born in the Cherokee Nation and lived there until 1870, since that time her residence has been in the State of Louisiana. She was re-admitted to citizenship November 30, 1885, but did not remove to that Nation. For this reason the Commission declined to place her name on the Cherokee rolls.

The office believes that the Commission's action was correct and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14476-1902.

L. R. S.

51796

RAF.

ITD. 4973-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Jennie Ross Murrell as a Cherokee citizen.

It appears that she was born and lived in the Cherokee Nation until 1870, and has since then resided in the State of Louisiana; that she was readmitted to citizenship in 1885. Because she had not removed to and in good faith settled in the nation prior to June 28, 1898, you denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 14 and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

END.

COPY.

Cherokee D 285.

Muskogee, Indian Territory, October 7, 1902.

Jennie Ross Murrell,

Bayou-Goula, Louisiana.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Tamm Dixey*  
Acting Chairman.



COPY.

Cherokee D 285.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Jennie Ross Murrell for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Sam Bixby.*  
Acting Chairman.

COPY.

Cherokee D 285

Muskogee, Indian Territory, October 7, 1902.

Joshua Ross,

Attorney for Jennie Ross Murrell,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Jennie Ross Murrell for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*James Bixby.*  
Acting Chairman.

Muskogee, Indian Territory, November 6, 1902.

Jennie Ross Murrell,

Boyau-Goula, Louisiana.

Dear Madam:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of an act of the Cherokee National Council appropriating money to certain persons; also certified copy of senate bill number 13 readmitting you to citizenship in the Cherokee Nation.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-134

(COPY)

JP

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 4973-1902  
7162-1903

April 7, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application of Jennie Ross Murrell for enrollment as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In its letter of October 7, 1903, the Indian office concurred in your suggestion.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason to disturb its decision of August 29, 1902.

Respectfully,

(signed) Thos Ryan  
Acting Secretary.

(NFM)

Cherokee D-285.

Muskogee, Indian Territory, August 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of July 19, (I.T.D. 5112-1903), in regard to the time allowed for argument in Cherokee D-1183, George Beck, the Commission desires to report that no argument has been filed in this case by either party.

Respectfully,

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Cher R 675

Trans. to Cher 10880

Cher R 675

COMMISSIONERS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

KEPT IN RELY TO THE FOLLOWING

Cherokee R-675

ALLISON L. AXLESWORTH  
SECRETARY

ADDRESS ONLY BY  
MAIL TO THE FILE

Muskogee, Indian Territory, April 27, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of a letter from the Secretary of the Interior, dated April 11, 1903, remanding, for the taking of further testimony, the application of Gertrude F. Flint for enrollment as a citizen of the Cherokee Nation.

The applicant and her attorney have, this day, been notified that any further evidence they may have to introduce in this case can be presented before the Cherokee Land Office of this Commission, at Vinita, Indian Territory, on or before April 30, 1903, or at Tahlequah, Indian Territory, after May 4, 1903, or before May 23, 1903.

Respectfully,



Chairman.

Encl-S-116

GRS

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS S. NEEDLES,  
C. E. BRACKENRIDGE,  
WM. O. BRALIN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ABH  
Cherokee B-675.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1905.

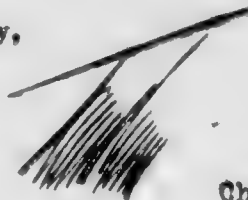
W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Gertrude F. Flint as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on March 31, 1905.

Respectfully,



Chairman.



Cher R 676

Cher R 676

*Roll*

*a-*

UNITED STATES  
COMMISSION TO THE

**FILED**  
SEP 19 1900

*[Signature]*

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I.T., Sept. 17, 1900.

In the matter of the application of Lydia K. Spencer for the enrollment of herself and children as Cherokee citizens, (By Shawnee blood.) Being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Lydia K. Spencer.

Q What is your age? A Twenty-nine.

Q What is your post-office address? A Seneca, Missouri.

Q What is your district? A I live in Missouri.

Q Are you a recognized citizen of the Cherokee Nation? A I have a claim in the Cherokee Nation.

Q Are you a sister to this lady that was there before? A Yes sir.

(Note: Lady referred to, Gertrude Flint, Shawnee)

Q How long have you lived in Missouri? A Twenty years.

Q Did you ever live in the Cherokee Nation? A Yes sir.

Q When? A When I was about four years old.

Q For whom do you apply for enrollment? A Myself and children.

Q Are you married? A Yes sir.

Q What was your name before you were married? A Lydia Flint.  
Examined by Cherokee Attorney, W.T. Hutchings:

Q Is your husband a citizen of the Cherokee Nation? A No sir.

Q Where did you marry him? A In Seneca, Missouri.

Q You were residing in Seneca at the time that you married him?

A Yes sir.

Q He was at that time a citizen of the State of Missouri? A Yes sir.

Q And has continued to be such ever since? A Yes sir, he is dead now.

Q Live on until his death? A Yes sir.

Q He never complied with the intermarriage laws of the Cherokee Nation at all did he? A No sir.

Q What time were you married? A November, 1892.

Q And you did continue to reside with him in the State of Missouri until his death, at that time? A 6th of August 1900.

Com'r Needles: The name of Lydia Spencer is found upon the pay roll of Cherokee-Shawnee citizens, of 1896, #699 page 34.

Q What are the names of your children? A Majel E. Spencer.

Q How old is he? A Seven.

1896 roll page 612 #336 Lydia K. Spencer Delaware District;  
Dustin C.

Q How old is he? A Five.

Q What is the name of the next one? A Yvette, she is three years old.

Q Are these children alive and living with you? A Yes sir.

Q What is your husband's name? A John K. Spencer.

Q When were you married to him? A November, 1892.

1896 roll for children, page 612 #---- as Elizabeth K. Spencer Delaware District;

1896 roll page 612 #337 as Calvin D. Spencer, Delaware Dist;

Q Have you proof of birth as to this youngest child? A Not with me.

Com'r Needles: The name of Lydia K. Spencer appears upon the census roll of 1896 and upon the Shawnee pay roll of 1896, and the names of her children, Majel E. Spencer and Dustin C. Spencer also appear upon the census roll of 1896; she avers that she has one child, Yvette, born since the census roll of 1896 was compiled, whose name does not appear thereon; it will be necessary for her in order to complete the enrollment to file satisfactory proof of birth as to said Yvette; she avers also that she resides in the

Lydia K. Spencer et al 2

State of Missouri; these children were born in the State of Missouri, and she and they have always lived there; final judgment as to the application of said Lydia K. Spencer will be suspended and her name and the names of her children will be placed upon a doubtful card. She also avers that she married one John N. Spencer in the year 1892, her maiden name being Lydia K. Flint.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. D. Green*

Subscribed and sworn to before me this 19 day of September 1900.

*[Signature]*

Commissioner.

9311 B-  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

SEP 17 1900



ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

APR 17 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

DELAWARE.

Year

1896

Page

612

No.

336

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

- 1 Mabel E. Spencer
- 3 Dustin C. "
- 7 Yvette

Dist. DELAWARE.

Year 1896

Page 612

No.

Age

7

Dist. DELAWARE.

Year

Page 612

No.

337

Age

15

Dist. DELAWARE.

Year

Page

No.

Age

3

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

- 2 in 1846 called Elizabeth M. Spencer
- 3 " " " " " "
- 4 Affidavit of birth to be supplied

K311



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of Lydia K. Spencer for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

CHARLES B. LAUGHLIN, being duly sworn, testified as follows:

COMMISSION: What is your name? A Charles B. Laughlin.

Q Where do you live, Mr. Laughlin? A I live at Seneca, Missouri.

MR. CLOVER: What relationship exists between you and Lydia K.

Spencer? A She is a sister of my wife.

Q Who is the father and mother of Lydia K. Spencer? A Levi Flint and Stella Ann Flint.

Q In what tribe of Indians do they belong and claim? A They belong to the Shawnees that were admitted to the Cherokee Nation by treaty.

COMMISSION: The name of L. K. Flint appears upon the register of the names of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within two years from the 8th day of June, 1866, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians. It appears upon said roll as No. 331.

MR. CLOVER: Do you know of Lydia K. Spencer being enrolled on what is called the Wallace roll? A She was.

Q Do you know whether she drew any money under that Wallace payment? A She did.

Q Do you know if Lydia K. Spencer was enrolled on what is commonly known as the Dixon Roll? A She was.

Q Do you know whether she drew any money for her children? A She did.

Q Has Mrs. Spencer any property in the Cherokee Nation? A She has.

Q What does it consist of? A Farm.

Q Where is it located? A I can't tell where it is located.

Q Have you never been at the farm? A It is though in between, why north east I should judge from my wife's property.

MR. HASTINGS: How do you know that she has one, did she tell you so? A Yes, sir.

Q That the only way you know it? A Well, I was present when it took place, when she bought an improvement.

Q Were you present at the time that she acquired it? A Yes, sir.

Q When was that? A Well, I couldn't give the year now; it's been some—I should judge it has been six, maybe not so long; I was going to say six years, but maybe it ain't so long as that.

Q Five or six years? A Five or six.

MR. CLOVER: Well, do you know whether Lydia K. Spencer ever joined any other government than the Cherokee Nation? A No, sir.

MR. HASTINGS: Well, do you know? A Well, she has not; that is what I mean. She has never been identified with any other.

MR. CLOVER: She has never been identified with any other? A Only as a Cherokee Shawnee we always term them.

Q Did she ever draw any allotment over in the Quapaw Agency? A No, sir.

Q Did she ever draw any money from those Indians over there on the pay rolls? A You mean on those in the Quapaw Agency?



Q Yes, sir? A No, sir.

MR. HASTINGS: Where was this woman married? A Seneca, Missouri.

Q Lived there ever since? A Yes, sir, I believe she has.

Q All of her children born there? A Yes, sir.

Q Her husband a citizen of the state of Missouri? A Well, yes.

Q Vote over there? A Well, I couldn't say as to that; I expect he has.

COMMISSION: The attorney for the applicant will be given fifteen days in which to furnish the Commission with certified copies of the Wallace and Dixon roll of Cherokee Shawnees.

COMMISSION: You submit this case to the Commission for final consideration?

MR. CLOVER: Yes, sir.

COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now filed, in addition to the certified copies of the roll above requested.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing testimony and proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 25th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES. *N.H.L.*

-----  
In the matter of the application of Lydia K. Spencer for the enrollment of herself and three minor children, Majel E., Dustin C., and Yvette Spencer, as citizens of the Cherokee Nation.

DECISION.

---000---

The record in this case shows that on September 17, 1900, the applicant, Lydia K. Spencer, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of herself and her three minor children, Majel E., Dustin C., and Yvette Spencer as citizens of the Cherokee Nation. Thereafter, on February 24, 1902, at Muskogee, Indian Territory further evidence in the matter of this application was heard and the case was submitted to the Commission for final consideration and ordered closed.

The evidence in this case shows that the applicant, Lydia K. Spencer, 29 years of age, lived in the State of Missouri at the time of her application, and has lived there for twenty years. She was married in 1892 to John K. Spencer, a citizen of Missouri.

The applicant, Lydia K. Spencer, is not identified on the Cherokee authenticated tribal roll of 1880. Her name appears upon the Cherokee-Shawnee Register roll as "L. K. Flint," her maiden name, and also on the Wallace Roll of Shawnee-Cherokees, as "Lydia K. Flint," and on the Dickson Roll of Shawnee-Cherokees as "Lydia Spencer." She is also identified on the Cherokee-Shawnee Pay roll of 1886, and on the Cherokee census roll of 1896.

The applicant's daughter, Majel E. Spencer, is identified on the Dickson Roll and also on the Cherokee Census roll of 1896, her

Cherokee D 311 - 2 -




name appears on the last mentioned roll as "Elizabeth M. Spencer." She is also on the Cherokee-Shawnee Pay roll of 1896. The son of the applicant, Dustin C. Spencer, is identified on the Cherokee Census roll of 1896. His name there appears as "Calvin D. Spencer." Proper proof of the birth of the applicant's youngest child, Yvette Spencer, on the 23rd day of September 1897, has been furnished this Commission. None of those included in the application had removed to and in good faith settled in the Cherokee Nation prior to the enactment of the Act of Congress of June 28, 1898, all of the children of the applicant, Lydia K. Spencer, having been born in the State of Missouri and having always lived there with their mother.

Paragraph 9, of Section 21 of the Act of Congress of June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: . . . ."

It is therefore the opinion of this Commission that Lydia K. Spencer, Majel E. Spencer, Dustin C. Spencer, and Yvette Spencer are not lawfully entitled to be enrolled as members of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

this MAY 27 1902

Q676

100 3 196

Cherokee R-679.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 25, 1903.

In the matter of the application of Levi C. Flint for the enrollment of himself as a citizen of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by adoption of the Cherokee Nation.

Applicants represented by William Henry White, 418 Fifth Street Northwest, Washington, D. C.; Cherokee Nation represented by W. W. Hastings.

Levi C. Flint, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name, age and postoffice? A Levi C. Flint, post-office Seneca, Missouri, and my age is 69 years old.
- Q You are a Shawnee by blood? A Yes.
- Q Is Mrs. Flint also? A No, she is an Omaha by blood.
- Q What blood? A Omaha.
- Q Where were you married? A Married in Kansas.
- Q About when? A 1853, November or 1853.
- Q Were you living in Kansas in 1869? A Yes.
- Q Did you come to the Cherokee Nation with the Shawnees? A Yes.
- Q When? A In 1871.
- Q Before June 7th? A Yes, before June 7th.
- Q What members of your family also came? A I would have to study that out as I had a big family. They were all enrolled. They will be found on the register.
- Q Did all the family come? A Yes, they all came.
- Q What did you do to earn a living when you came? A Why, I tried to farm while I was here part of the time and part of the time I worked at my trade, blacksmithing.
- Q How long did you remain in the Cherokee Nation, until when? A I remained here until the fall of '74.
- Q How did you come to leave the nation? A Why, I got an invitation from H. W. Jones, United States Indian Agent, to go to the Quapaw Agency to take charge of the Government shop there. That is how I come to leave here. I thought I could do better over there.
- Q Did you leave any property in the nation? A Yes, I had a little property in the nation.
- Q What? A I had a good house for one thing; a little improvement in the way of a farm, a little ground fenced up, eight or ten acres.
- Q Any stock? A Well, a cow and a calf. I didn't have no other stock because my stock died off before I left here.
- Q Was it a team of horses? A It was a team of horses and the other one was a team of mules.
- Q Did the death of the two teams have anything to do with your leaving? A Why, certainly, I couldn't do anything without a team. I was trying to open up a place.
- Q It then caused you to quit farming? A Yes.
- Q What was the value of the house? A Well, the house was put up for \$500.00;— I paid \$300.00 for it.
- Q Did you leave any farming implements? A Well, at the time I left I didn't have anything but some plow and a harrow.
- Q Did you leave them in the nation? A Yes.
- Q With whom did you leave the cow and calf? A I left them with John Weaver.

3-Levi C. Flint et al.

Q When you went to the Quapaw Agency did you intend to return to the Cherokee Nation or not? A Why, certainly; I applied to the Council to be reinstated not a year after I was discharged from the United States service. I was reinstated, but then I neglected to move back in the required time, and I had to apply again.

Q In 1896 did you appear before the Council? A That was the second time I made the application. The first time was '79 or '80.

Q You were enrolled in 1896? A I took for granted I was enrolled; I didn't stay to see it done. Mr. Lamar that was conducting the case for me showed me that I was reinstated, that I didn't trouble myself any further, I was in a hurry to get back home. I didn't stay to see that I was put on the roll.

By Mr. Hastings: The Cherokee Nation objects to the witness testifying that he was reinstated unless it is the intention of counsel for the applicant to produce a record evidence to substantiate it, which is the best evidence in the case, if it be a fact that he was reinstated this second time as he testifies.

By the Commission: Objection noted.

Q Did you and your wife receive shares of the strip money in '86? A I received money only once since I was there, since I was out of the nation, and I don't remember whether it was strip money or other money; it was just one time. It was on the roll that was made by Wallace.

Q How much did you receive? A I didn't charge my memory with the amount.

Q About how many years ago? A I can't remember now.

Q When did you secure the farm you now hold? A It was directly after I was reinstated, I don't remember exactly.

Q Have your wife and daughter, Gertrude, an interest in this farm? A Why, yes.

Examination by W. W. Hastings.

Q What became of the house and improvements you owned when you left the Cherokee Nation in 1874? A I don't know what Johnson Thompson - what disposition he made of them; I understood afterwards that one of the Landrums got it.

Q You never owned it any longer?

By Mr. White: Object to the question as calling for opinion of law.

By the Commission: Objection noted.

A I thought I owned it as long as it was in Thompson's care, but I don't know what disposition he made of it afterwards.

Q Whose care did you leave it in? A Old Johnson Thompson.

Q After 1874 when did you next see the improvements, if at all?

By Mr. White: Objected to as immaterial.

By the Commission: Objection noted.

A Well, I passed through one time and I saw it was all gone back to state of nature. The house was gone away.

Q When was that you passed through, as you say? A In '76 or '77, I don't remember.



8- Levi C. Flint et al.

Q What became of this cow and calf you left there with Weaver in 1874, are they living yet?

By Mr. White: Object to the question that it is frivolous.

By Commission: Objection noted.

A John Weaver kept them until they became quite a bunch of them when I sold the whole bunch to him.

Q When did you sell them to Weaver? A I don't remember what year it was.

Q As near as you can remember? A In '77 or '78, I don't remember the exact date.

Q After 1877 or '78 did you own any improvements or any personal property in the Cherokee Nation before you acquired your present improvements? A No.

Q When did you acquire your present improvements? A I don't remember how long now. It was after I was reinstated by the Council; I got the improvements on the strength of being reinstated; I thought I would hold my rights on that account. I was reinstated in '86, I think.

Q You think in 1886, is that what you say? A I think it was.

Q When were you first reinstated after 1874? A It has been so long, - in '78 or '80, I don't remember now which exactly.

Q Where were you then living? A I was living at Seneca.

Q Missouri? A Yes sir.

Q Were you required to remove to the Cherokee Nation? A

By Mr. White: Object to the question as calling for a conclusion of law.

By the Commission: Objection noted.

A No, there wasn't anything said about my moving back right away.

Q Was anything said at all?

By Mr. White: Object to the question as immaterial, as being hearsay.

By the Commission: Objection noted.

A Nothing said about it. Come to remember now, Woodall, the man that reported --- I wasn't present at the Council but Woodall told me that there was no limitation set, I could move back whenever I felt like it; that was from Woodall, he was a member of the Senate.

By Mr. White: We wish to withdraw the objections of the last two questions.

Q Why did you state in your direct statement that you were reinstated upon conditions?

By Mr. White: I object to that as not properly putting the testimony of the witness.

By the Commission: Objection noted.

A I don't remember of making any such statement.

Q Did you ever get any act of Council reinstating you?

By Mr. White: Objected to as calling for secondary evidence.

By Mr. Hastings: The Cherokee Nation desires to answer this objection by stating that if this man was reinstated it would have to be by an act of the National Council or an act of some Commission

4-Levi C. Flint et al.

having authority to do the same, and the written evidence of that is the best evidence of that fact and not secondary.

A Do you mean did I get a copy of it?

Q Yes. A No, I never did; it was all verbal.

Q When do you claim to have been reinstated? A The first or second time? I was reinstated twice.

Q The first time? A It has been so long ago; I said it was either in '78 or '80, but I think it was '80 though.

Q How do you know you were reinstated? Did you ever see any decision of any Court or any act of Council reinstating you? A No, I never did; all that I know was that Mr. Woodall, he was the chairman of the Committee, and he told me about my case; he came to Seneca and reported it to me.

Q Then all you know is just what Woodall told you? A That is all. I suppose though it is a matter of record.

Q When do you claim to have been reinstated the second time? A I think it was in the fall of '86.

Q What authority reinstated you? A Why, the Cherokee Council to be sure.

Q Did you ever see a copy of an act of the Cherokee Council reinstating you? A No.

Q You only drew money one time and that was when Mr. Wallace made a roll, is that correct? A Yes, that is correct.

Q Was that in 1889 or 1890 or 1891? A I think it was in '90, I reckon it was, the agent gave me a notice for this payment and I wrote and inquired of him particulars whether I was entitled. I had drawn money before that, a year or two before that, and he said it was the same money that he had paid out, that he had paid out in the first payment; I reckon it must have been '90.

By W. W. Hastings: I will ask the Commission right here to make a note from its record when this Wallace payment was made. I will ask them to place in the record as to when the Wallace roll was made.

By the Commission: It appears from the records of the Commission that the Wallace Roll referred to by the applicant was made in the year 1889 and the payment of that roll was made about 1890 or 1891.

Q How long have you lived in Seneca, Missouri? A I moved in there in '78.

Q What are you doing there? A I am working at my trade, blacksmithing.

Q Have you a house there? A Yes.

Q When did you purchase it? A Just about '95, I guess.

Q Did you own one in Seneca before that? A Before this one I bought in '95?

Q Before 1895? A No; I was renting all that time.

Q Where is your daughter Gertrude? A She is at home at present, taking care of her mother.

Q How much farm have you in the Cherokee Nation, how many acres inclosed? A I expect in the neighborhood of from 150 to 200 acres. I was getting a rental of \$150.00 a year until this trouble come.

Examination by the Commission.

Q What authority did you give Thompson with reference to the disposition of your house? A I didn't give him any authority direct. I owed him a little store bill and I understood he disposed of it and got his pay out of that.

Q Who was Mr. Lamar who told you that you were reinstated the second time? A Mr. Lamar was a member of the Council.



5-Levi O. Flint et al.

Q In what way did you keep up your connection with the Cherokee people from the time you went out up to the time you acquired your present improvements? A That was the only way I tried to keep up my connection with them was to come in and get reinstated; when the limit was passed I come back and was reinstated so as to be ready any time to move in whenever I get ready.

Q Of what do your present improvements consist and how did you acquire them; where are they located? A Well, I just answered that question, part of it anyhow.

Q How did you acquire them? A Farm-buildings —.

Q How did you acquire them and where are they located? A I acquired them by purchase. They are located about three miles north of Afton, in Delaware District.

Q Have you voted at elections in Missouri during your residence there? A Yes.

Q How often? A Why, I voted, — I don't know exactly how often, nearly at every election, though with the exception of the first three or four years.

The names of the applicant as Levi S. Flint and his wife as Stella O. Flint appear in the Cherokee-Shawnee pay-roll of 1896 at Nos. 344 and 345, but the roll does not show that the money was paid.

By Mr. White: That also on this book some of the places are indicated as paid while some are blank, and at this particular one there is a blue check. There is no indication showing what the blue check would indicate.

Examination by Mr. White.

Q You have also voted in the Cherokee Nation? A Why, they wouldn't let me do that while I was outside. Judge McKee told me particularly I hadn't no right to vote in the Cherokee Nation while I was outside. I never offered to vote. I thought if that was the rule I wouldn't offer to vote.

By the Commission: The applicant is ~~also~~ deaf that the questions had to be submitted to him in writing.

Charles B. Laughlin, being duly sworn, and examined by applicant's attorney, William Henry White, testified as follows: .

Q What is your name, age and postoffice? A Charles B. Laughlin, Seneca, Missouri, and I am fifty-one years old.

Q You are the son-in-law of Levi O. Flint? A Yes sir.

Q Please give me the names of the children of Levi O. Flint and Stella A. Flint, his wife? A George L. Flint is the oldest; then Mrs. Browning, or Sarah E.; then Rebecca L. Laughlin, my wife; Mrs. Lydia Spencer and Gertrude Flint.

Q Gertrude is unmarried? A Yes sir, she is single.

Q Mrs. Browning is dead, is she not? A Yes sir, she is dead at the present time. She has been dead four or five years.

Q How many children did she leave? A Three children.

Q They are all minors? A Yes sir, all minors.

Q Is George Flint married? A Yes sir.

Q Has he any children? A No sir.

Q And Mrs. Spencer has how many children? A She has three children.

Q All minors? A Yes sir, all minors.

Q And you have how many? A Nine; they are all minors except two; they just recently become of age.

Q They were minors when the application was made? A Yes sir, they were minors at the time of the application.

Q Are all of these children whom you have mentioned living? A Yes sir.

6-Levi C. Flint et al.

Q Are you familiar with the facts as to Levi C. Flint and Stella A. and Gertrude A. Flint's purchase of improvements in the Cherokee Nation? A Yes sir.

Q When was that made? A That was made in 1896, their present improvements.

Q Where did they get the money to purchase that? A They got it from what is known as the strip payment.

Q Do you know certainly that they received that strip payment? A I do, yes sir; they received that.

Q Did somebody else receive the money for them? A Why, they received the part paid by the United States Government themselves, the adults received their own money, but the part of the Cherokee part I drew that for them under a power of attorney for George L., for Levi and his wife and Mrs. Spencer.

Q Mr. Flint has testified here that he didn't receive the strip payment money; he then is mistaken about that? A How is that, that he didn't receive it? If he didn't he must be mistaken or I am, one or the other.

Q Do you know what use was made of the money? A The money was paid out for these improvements I know; he got the money, but whether he collected this individually I couldn't say or not. It was collected, I couldn't say whether it was him or his wife, but they got the money I know that.

Q He has not sold these improvements which he purchased? A No sir.

Q Have his wife and Gertrude interests in these improvements or not? A Yes sir.

Q Do I understand you to say that the money received by all three of them was used in the purchase of this place? A Yes sir, that is they used their money in common and they paid for it in common.

Q And they treated the rents in the same way? A Yes sir, the rents in the same way.

Q You are acquainted with Mrs. Lydia K. Spencer, the daughter of Levi C. Flint? A Yes sir.

Q She is your wife's sister? A Yes sir.

Q Where was she educated? A After she first got her common school education mostly in Seneca, Missouri, and then after that I wouldn't pretend to say how old she was, she was then sent to Carlisle, Pennsylvania, the Indian school there.

Q How long did she remain there? A She was there five years. She completed her course in 1892.

Q Do you know when she was born? A Well, she was born about 1871, the early part of it. I forget whether it was February or January.

Q And then when she returned from school she must have been about twenty-one years of age? A Yes, about that.

Q Then if she remained at school five years she must have left for that school when she was about sixteen years of age? A Yes, that is the way it would figure out, about sixteen years of age; she was about that.

Q When was she married? A She was married in November, of '92.

Q Of the year she returned? A The same year.

Q How long did her husband live? A He was killed on the 8th of July, 1900.

Q They lived as husband and wife until his death? A Yes sir.

Q What is Mrs. Spencer's present employment? A I don't know exactly what the government terms it. They call her little boys' matron.

Q Where? A At the school, in the Indian school, Wyandotte. At the Wyandotte Indian School.

Q She is in the government employ there? A Yes sir.

Q How long has she been so employed, since before her husband's death? A Yes sir, before her husband's death. I ain't sure but I think it was in 1899 she was employed.

V-Levi G. Flint et al.

Q You do remember that her employment began before her husband's death? A Yes sir, she was in the government employ then.

Mr. White: We offer a statement of the Superintendent and United States Indian Agent, Wyandotte, Indian Territory, as to the term of service of Mrs. Lydia K. Spencer.

W. W. Hastings: The Cherokee Nation has no objection except that it is immaterial.

Commission: The document will be offered in evidence and made a part of the record in this case

Q Has Mrs. Spencer any improvements in the Cherokee Nation? A Well, yes, sir.

Q When did she acquire them, if you know? A I think she acquired them about the same time as the rest; I know they were all getting it the same time.

Q What year was that? A In '96, possibly a year later, '96 or '97. I will say, however, she had it, - I don't know whether that would count for any property, she had a town lot in Fairland, I don't know whether that is counted; she had a town lot in Fairland in '93.

Q How many acres has she under fence? A About two hundred; that is as near as we ~~can~~ can come at it.

Q Has she sold any part of her improvements? A No sir.

Q Mrs. Rebecca L. Laughlin is your wife? A Yes sir.

Q Where were you married? A Seneca, Missouri.

Q When? A The fifteenth of March, '82.

Q How old was your wife at the time of your marriage? A Eighteen; she was married on her eighteenth birthday.

Q Was she employed before her marriage? A Yes sir, she had been employed in the Indian service at this same Wyandotte-Seneca-Shawnee school.

Q Was she in the employ of the United States Government? A Yes sir.

Q Until the time of your marriage? A Yes sir, up within two or three weeks; she resigned two or three weeks before the marriage.

Q She has been living with you as your wife ever since? A Yes sir.

Q Has she improvements in the Cherokee Nation? A She has, yes sir.

Q When did she acquire them? A In 1893.

Q How many acres of land has she under fence? A About four hundred.

Q Has she sold any part of the same? A No sir.

Q Did she and your children draw the strip money? A Yes sir.

Q Was any part of this money used in purchasing improvements in the Cherokee Nation? A It was.

Q Where were your two oldest children born, her two oldest children also? A In the Quapaw Agency; it was in the Peoria reservation, but it was under the jurisdiction of the Quapaw Agency.

Q Do you know whether or not Mrs. Spencer received her pro rata share of the strip money? A Yes sir.

Q Do you know whether or not she used this money for the purchase of improvements in the nation? A Yes sir.

Q Your wife is the daughter of Levi G. Flint and Stella A. Flint? A Yes sir.

Q When were Mr. and Mrs. Preston G. Browning married? A They were married in 1885, in October; I couldn't tell you the exact date further than the month.

8-Levi C. Flint et al.

Q Do you know whether or not they acquired any improvements in the Cherokee Nation? A Yes sir.

Q When first? A Well, as near as I can arrive at the date it must have been in the ——— they commenced improvements in the fall of '85, in the fall and winter.

Q What improvements were they? A They had one hundred acres at that time.

Q Was the house built on that improvement? A The house was built on that improvement.

Q When, if you remember? A I can't tell the exact date of that, further than this, it was the latter part of that winter which must have made it early in '86; I am arriving at that date, you understand, by a hardware bill I come across. Of course, I looked it up.

Q At the time of Mrs. Browning's death how many acres did she and her husband have improved in the Cherokee Nation? A They estimate that they had eight hundred acres; further than that I don't know, only what they said; they estimated that there were improved eight hundred.

Q Have you seen this tract of land? A Yes sir.

Q What is your estimate on that? A It wouldn't be far off, I would say from 700 to 800.

Q All under fence? A Yes sir.

Q Any other property? A You mean for Brownings?

Q Yes? A Yes, they had interests in lumber yards in the territory.

Q Did Mrs. Browning and her children secure a pro rata share of the strip payment? A Yes sir.

Q Do you know what was done with that money? A No, I don't, further than they told me that it went into his business.

Q What business? A The lumber business.

Q Where? A Well, I suppose in the yards.

Q Where were they? A They were living in Seneca.

Q Where were the yards? A They were in the territory here.

Q Where in the territory? A Do you mean the present time or different times?

Q Different times? A At one time they had one at Prairie City, now called Ogechoe, but that was discontinued. They have one at Fairland.

Q They have now? A Yes sir, they have now; one at Vinita, one at Chelsea and one at Grove. They had one at Adair, but that was afterwards abandoned; they put it with one of their other yards. They also had one at Oatoosa, that was afterwards consolidated with one of their other yards.

Examination by W. W. Hastings.

Q Mr. Laughlin, where were you married? A Seneca, Missouri.

Q Where do you live at present? A I live at Seneca.

Q I believe you say you have nine children? A Yes sir.

Q All but the first two were born in Seneca? A Yes sir, all but the first two, they were born in Missouri; they were born in Seneca, yes, all of them.

Mr. White: All of them but the first two? A Yes, I was answering his question.

Mr. Hastings: How old is your third child? A The oldest one that is a minor?

Q Yes? A She is seventeen, will be eighteen next birthday, next month.



9-Levi G. Flint et al.

Q What is your business at Seneca? A I am in the grain business.

Q How long have you been in that business? A Well, to sum up all the time I have been in it, I have been in it right at fourteen years, close to it.

Q Do you own a home there? A I own one myself.

Q You are a white man yourself? A Yes sir.

Q Citizen of the United States? A Yes.

Q You don't claim citizenship here? A No sir, I have made no claim to citizenship.

Q Where does George Flint live, your wife's brother? A He now lives in the Ottawa reservation in the Quapan Agency.

Q How long has he lived there? A Three or four months.

Q Where did he move from? A Seneca. I mean he has been up there about two months.

Q How long had he lived in Seneca, Missouri, prior to his removal there? A I couldn't hardly say about that, I can't remember the exact date. Well, if you will allow guess work I would say ten or twelve years.

Q Where was he married? A The 1st time in Wyoming. He has been married twice.

Q Where was he married the first time? A The Ottawa Nation, Quapan Agency.

Q You haven't mentioned George Flint as owning any improvements in the Cherokee Nation? A Not that I know of.

Q Now Mr. Laughlin, I want to ask you when you became personally acquainted with Mrs. Browning owning improvements in the Cherokee Nation, she is dead now, but when did you first know of your own personal knowledge? A When we went in.

Q When was that? A That was about the fall of '85.

Q Were you upon those improvements at that time? A No sir, I just got this from conversation with Mrs. Browning and Mr. Browning.

Q When did you first see their improvements? A I couldn't say.

Q Have you ever seen them? A Oh, yes.

Q When first? A That is coming down pretty close, - I couldn't tell you exactly when, but it must have been about some place from '88 to '90.

Q Are these the same improvements that you claim there also, namely their children own now? A Yes sir.

Q I believe you said your wife purchased, or you for her, improvements in about '93? A Yes sir.

Q Where are those? A They are north of Afton, about five miles.

Q Who did you purchase them of? A I purchased them of P. G. Browning.

Q Part of the same improvements he had made? A They are part of the improvements. This first improvements that he made, this eight hundred acres, is outside of the improvements I purchased of him.

Q Where was Browning and his wife married? A They were married in Delaware District, at the Clerk's office.

Q Where was Mr. Browning living at the time? A His home was in Seneca at that time.

Q What was his business at that time? A Well, I think he was in the saloon business at that time.

Q He has always maintained since that time some kind of business in Seneca, hasn't he? A Yes sir.

Q Does he own a home there? A Yes sir.

Q Well, you speak of his being interested in some lumber yards before in the Cherokee Nation. Did he also have one in Seneca, Missouri? A He had an interest in one at Seneca.

Q Did he own these in the Cherokee Nation or did he have an interest in them? A I don't know as to that; that is part of his private business, as far as he owning the whole business I couldn't say about that. It is understood that they are his lumber yards, that is as far as I know.

10-Levi C. Flint et al.

Q Mr. Browning's wife died, I believe you said, three or four years ago? A Yes, it is longer than that, I suppose.

Q About how long? A It must be about five years.

Q Since that time he remarried, didn't he? A Yes sir, he remarried since.

Q Do you know about when he married the last time? His last wife was a white woman? A Yes sir.

Q He married her some time prior to the first of last September? A Yes sir, he married prior to September 1, 1902.

Q Where was he living at the time he died? A Seneca.

Q His children living there with him? A Yes sir.

Q Where did his first wife die? A She died in Seneca.

Q Now, after their marriage in 1883, up until each of them died, they lived in Seneca, Missouri, with their family, their children? A Yes sir.

Q All of their children were born there? A Yes sir.

Q I mean Browning? A Yes sir.

Q Since before the birth of your oldest minor child you and your wife have also lived in Seneca, Missouri? A Yes sir, not continuously either for there was one year I spent in the territory in the government service, about '90.

Q In the Quapaw Agency? A Yes sir.

Q With that exception of one year you lived in Seneca, Missouri? A One year or a year and a half, yes sir.

Q Now, is Mrs. Spencer living, I have forgotten? A Yes sir.

Q Where does she live? A She is at work in the Wyandotte Indian School.

Q She has been at work there, according to that letter, since August, '99? A Yes sir, I think it was August, '99.

Q Prior to that time where did she live with her husband? A Seneca.

Q Her father and mother were living in Seneca, Missouri, while she was off at Carlisle at school? A Yes sir.

Q They were living there at the time of her marriage? A Yes sir.

Q And subsequent to her marriage she continued to live there until her employment in the Government school in '99, is that true? A Yes sir.

Q I believe you say, her husband was killed in 1900? A Yes sir.

Q Was he a citizen of the United States? A Yes sir.

Q Did they own a home in Seneca? A No sir.

Q What was his business? A He was a traveling man; he was collector for the Deering Harvesting Machine Company part of the year, and part of the year for the Dowagiac Drill Co.

Q Where is Gertrude Flint? A She is at home at present. She is with her father and mother.

Q Has she made that her home all the time? A Yes sir, she has made that her home.

Q Has she been out in the states, away from there? A Yes sir.

Q Where? A She took a course at Carlisle Institute, - I mean

Ha Kell Institute, Lawrence, and when she completed she was employed there one year, and two years she has been employed at Fond du Lac, Wisconsin, at the Indian school, and she would have been there yet if it hadn't been for the health of her mother.

Q Her father and mother lived in Seneca, Missouri, and that was her home? A Yes sir.

Q When did this George Flint go to Wyoming? A I don't know.

Q Did you know him when you were married? A Yes sir.

Q Where was he then? A He was in the Ottawa Nation.

Q How long did he stay there after your marriage? A He was there until his wife died, I don't know just what year, but she died probably about two years after I was married.

Q And how long was it before he went to Wyoming? A A good long time after that, I couldn't say how many years. He worked around in that country about as long as I stayed in the Quapaw Agency, he worked around in the Peoria Nation.

11-Levi C. Flint et al.

Q When did you leave the Quapaw Agency? A In '84 the first time; and then after that he stayed there at what is called the Quapaw Mission School for some time; he was employed there for two or three years anyway.

Q Mr. Laughlin, do you know personally about the purchase of this improvement by Levi Flint and his wife and his daughter, Gertrude?

A Yes sir.

Q Were you present? A I made out the contract.

Q From whom did they purchase it? A From P. G. Browning.

Q Their son-in-law? A Yes sir.

Q Did he give them a written contract? A Yes sir.

Q A Bill of Sale? A It wasn't exactly a Bill of Sale; it was a note in the shape of a contract and that note was redeemed and they got the payment.

Q How do you know? A From the fact that Browning told me so himself.

Q Do you know it personally? A I know it that way. He told me personally that the note had been paid, I didn't see it. I took his word for it.

Q You told me personally about it too? A Yes.

Q Were you ever on this land that these people purchased? A Yes sir.

#### Examination by the Commission.

Q When did you first get acquainted with Levi C. Flint? A In 1879.

Q Where was he then? A In the Quapaw Agency.

Q And you have known him ever since? A Yes sir.

Q Was he ever employed by the United States Government? A He was employed and was let out when I came there. There was several employees let out at the same time.

Q What was he doing? A A blacksmith.

Q Where? A At the Quapaw Agency.

Q He hasn't been employed in the United States Government then since 1879? A No sir.

Q Now, you say George L. Flint doesn't own any property in the Cherokee Nation? A No sir, not that I know of.

Q He hasn't lived in the Cherokee Nation since he went out with his father? A I couldn't say about that, any further than he has said he was in the Cherokee Nation about a year afterwards, and I don't know what year it was or where; I just have that from a conversation with him.

Q Now, you say that Preston G. Browning has lived in Missouri ever since his marriage? A Yes sir.

Q Does he rent his farm that he has here? A Yes sir.

Q He first acquired these improvements about '85 or '86? A About '85, I think it was in the fall of '85.

Q Have they owned them ever since that time? A Yes sir, with the exception of what I bought from them. The improvements that he claims now he owned them ever since.

Q You bought yours when? A In '93.

Q That is for your wife? A Yes sir.

Q And children? A Yes.

Q Have you rented them out since that time? A Yes sir.

Q Your wife has never lived in the Cherokee Nation since she left with her father? A No sir.

-12-Levi C. Flint et al.

Q And Gertrude F. Flint has never lived in the Cherokee Nation at all, has she? A No sir.

Q Now, when did you say that Mrs. Spencer acquired her improvements? A Well, about 1896.

Q The same time as her father? A Yes sir.

Q They rented them also? A Yes sir.

Q She has never lived in the Cherokee Nation since she left with her father? A No sir.

Q Now, none of these applicants have allotments up in the Quapaw Agency, or any of these agencies? A They have no allotments any place.

Examination by Mr. White.

Q The school which Mrs. Spencer attended at Carlisle, Pennsylvania, was the Indian school at that place? A Yes sir.

Q It is conducted under the United States Government? A Yes sir.

Q Her husband at the time of his death was in what employment?

A He was a private in the United States Army.

Q Does she draw a pension for his death? A Yes sir.

Q Was Gertrude a minor when she began attending the United States Indian school at Haskell; was she under eighteen years of age? A I am not sure about that; I guess she was over eighteen when she went there.

Q Can you fix the date of her birth? A In 1878.

Q And when did she go as a student, I mean to that school? A It is five years ago, I think since she went.

Q Didn't I understand you to say she was educated there? A She just took a normal course there for teaching; most of her education was received at Seneca.

Q Preston G. Browning is dead, is he not? A Yes sir.

Q When did he die? A The ninth of February, 1903.

Q How many acres are embraced within the improvements owned by Mrs. Laughlin? A About four hundred.

Q And by Mrs. Spencer? A By Mrs. Spencer about two hundred, I think. These are estimates we have to arrive at by a general knowledge of the outlines. You see these improvements don't occupy certain forties, some run on one forty and some on the other. But it is close to two hundred acres.

Q And how many, Levi C. Flint, Stella A. Flint and Gertrude, in their tract? A About one hundred and sixty as near as we can come at it.

Examination by Mr. Hastings.

Q Mr. Laughlin, were you present when Mr. Levi C. Flint drew any of the Cherokee strip money? A No sir, I wasn't present when he drew it.

Q Then what you stated about his drawing is from information you have received from others? A Yes sir, nothing than they had the money to use.

Q You didn't draw it yourself? A No sir.

Examination by the Commission.

Q You drew money for some of these parties? A My wife drew for herself and children.

Q Did you draw for any others? A I drew for all of them when the Cherokee paid their part.

Q That was for all of them? A Yes sir.

Q You mean for Levi C. Flint, his wife and all his children? A Yes sir, and even George Flint.



13-Levi C. Flint et al.

- Q And for Mrs. Spencer and her children? A Yes sir.  
Q And for Mrs. Browning's children? A Yes sir, Mrs. Browning and her children.  
Q And for your wife and your children? A Yes sir.  
Q Do you remember how much was paid to you? A No, I don't remember exactly, but it was the balance, whatever the balance was the Cherokees were paying.  
Q Something like fifty dollars a piece? A Yes sir.  
Q Where did you draw that money? A At Vinita.  
Q In '96? A I think it was in '96.  
Q Who paid it to you, do you know? A The Cherokee treasurer; I believe his name was Lipe.  
Q D. W. Lipe? A I don't know his initials; he was the Cherokee treasurer.

H. C. Miller, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name? A H. C. Miller.  
Q You live at Seneca? A Yes sir.  
Q What business are you in? A I am in the lumber business.  
Q You were associated with Mr. Preston G. Browning in that business at the time of his death? A Yes sir.  
Q Which occurred when? A The tenth of February.  
Q This year? A Yes sir, this year.  
Q Do you know whether or not Mrs. Browning and her children received their share of the payment, of the strip payment? A Yes sir.  
Q Do you know what became of that money? A Well, they invested it in the lumber business.  
Q Do you know when Mr. and Mrs. Browning first began making improvements in the Cherokee Nation? A Why, they established a lumber business at Prairie City in '85.  
Q When the next lumber yard? A The next lumber yard was at Chelsea in '87.  
Q And the next? A At Vinita, in '97.  
Q And the next? A And at Adair shortly after that.  
Q And the next? A Catoosa, along about a year after that.  
Q Is that all? A Then at Fairland in '91, and at Grove in '99.  
Q Is that all? A Yes sir, that is all the lumber yards.  
Q Then as to the farm? A He built his house in the winter of '85 and '86.  
Q Do you know how many acres he first had under fence? A No, I don't know how many acres he had.  
Q Do you know how many they had at the time of her death? A No, only by hearsay.  
Q Do you know whether or not they sold these improvements? A No, they haven't sold the improvements because I know that Mr. Browning was talking about that a short time before his death.

Examination by Mr. Hastings.

- Q When did he discontinue the business at Prairie City? A Well, I don't remember exactly, but it was to the best of my recollection about a year or a year and a half.  
Q After it was established? A Yes sir.

Q When was it discontinued at Chelsea? A It never was discontinued there.

Q It is a firm business in which Mr. Browning had some interest?

A Yes, he established the business.

Q It was run in his name and he had some interest? A Yes sir.

Q In the Cherokee Nation you run it here in his name? A Yes sir.

Q He just had an interest in the business? A We had an interest in the business. You might construe it in there; he Superintended the business.

Q Did he have an interest in the business? A Yes sir.

Q Any financial interest in the business? A Yes, I couldn't tell you how much.

Q Why can't you? A I loaned Mr. Browning some money when he first went into the business and he had money from one other party that I know of, and I couldn't say.

Q Well, that is all over now, can't you tell what interest he had in this business, if any, what financial interest? A Well, because I don't know. I couldn't tell that exactly. I could tell what I let him have.

Q How much did you let him have? A In the first place about \$1600.00.

Q You never saw his farm or anything? A I was on his farm once.

Q When? A It has been several years ago. I don't remember, it was as much as eight years ago.

Q That was the only time you were ever one it? A Yes sir.

Q And all the rest you state is what he told you or others told you? A Yes, you might say that to a certain extent. Yes, I know all about his building a house, his lumber and a carload of pigs that he bought.

Cyrus G. Cornatzer, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A Cyrus G. Cornatzer.

Q And where do you live? A Winita.

Q How long have you known Levi G. Flint and Stella A. Flint? A All my life.

Q How old are you? A About fifty years old.

Q You knew them in Kansas? A Yes sir.

Q They were recognized Shannees there? A Yes sir.

Q Do you know when they came to the Cherokee Nation? A Yes sir, they came down in '71 when we all came down.

Q Before June 7th? A Yes sir.

Q Did you know them while they were in the nation? A Yes sir.

Q What did Mr. Flint do for a living when he first came to the Cherokee Nation? A Farming.

Q How long did he continue to farm? A Why, up until the time before he left up there. I think it was in '74 when he left.

Q Do you know what his financial condition was at that time? A He was like the rest of us, lost all his horses and quit farming.

By W. W. Hastings: Objected to by the Cherokee Nation on the grounds as being immaterial.

Q Do you know when he left the Cherokee Nation? A In the fall of '74.

Q What, if any property, did he leave in the Cherokee Nation when he left, that you know of? A He left a little place there.

A house and he had about — I don't know how much he did have in cultivation.

Q How much did he have fenced if you knew? A I couldn't hardly say, I thought about ten or twelve acres.

15-Levi O. Flint et al.

Q He left the house behind? A Yes sir.  
Q And the fences? A Yes sir.  
Q Do you know of any other property that he left? A No, I don't know; I heard he left his cattle with Weaver, but I don't know; that is hearsay.

Examination by Mr. Hastings.

Q What became of his house and that little place that he owned?  
A I don't know. I think Landrum bought the house.  
Q You didn't know it had gone to Johnson Thompson for a store bill?  
A I don't know.  
Q Didn't Johnson Thompson afterwards have it in his possession?  
A I don't know about that; I know Landrum bought the house, but I don't know who he bought it from.  
Q Was the field improved, or wasn't the house burned up? A No, Landrum moved the house on his place.  
Q Moved it away from this place? A Yes sir.  
Q The place then that the house was on went back to the public domain? A I don't know, I don't recollect; he bought it.  
Q You don't know how long afterwards? A Bill Davis owns the place now.  
Q You don't know whether it first went back to public domain, or afterwards taken up, or how? A No sir, I don't know how it was disposed of. I moved away from them afterwards.

By Mr. White: Johnson Thompson is dead, is he not? A Yes sir, that is what I heard.

John Weaver, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name, John Weaver? A John Weaver.  
Q Where do you live? A Vinita.  
Q How long have you known Levi and Stella A. Flint? A About thirty-two years, I guess, about thirty-two or thirty-three; I have known them since '71.  
Q You knew them when they came in from Kansas to the nation? A I knew them right afterwards.  
Q You knew them while they lived in the nation? A Yes sir.  
Q What was Mr. Flint doing for a living at that time; when he first came what did he do for a living? A He was tryin' to farm a little, I think.  
Q Were you one of his neighbors? A Yes sir.  
Q Did you visit his place often? A Yes sir.  
Q How often? A About once a week.  
Q Do you know why he quit farming? A I think his stock all died on him and his horses and he didn't have anything to buy anymore to carry on his business.  
Q They were at this time in bad financial condition, were they?  
A Yes sir, I considered them so.  
Q Do you know where he went from the Cherokee Nation? A He went up into one of those little agencies up there, I don't know which one.  
Q What, if any, property did he leave in the Cherokee Nation when he left? A He left a house and a cow and a yearling.  
Q He left the cow and the yearling with you, did he? A Yes sir.  
Q What did you do with them? A I left them until they were increased to thirteen head and I bought them from him.

Q How long did that take? A It must have taken something like eight or ten years; it was so long I couldn't tell exactly how long it was.

Q Have you ever visited Flint and his wife at Seneca? A Yes sir.

~~Q Did you ever have a conversation with either of them in which they stated whether or not they intended to return to the Cherokee Nation?~~ A No, I never had a conversation with them about that.

Q Not with Mrs. Flint? A No sir, I never did myself.

Q Well, who did? A I heard my wife had a conversation with the old lady about that.

Q It was in your presence then? A Yes sir, it was in my presence.

Q What, if anything, in that conversation did Mrs. Flint state in regard to her intention and her husband to return to the Cherokee Nation? A

By W.W.Hastings: Objected to by the Cherokee Nation because it is hearsay, because it is immaterial and because it is self serving.

By Commission: Objection will be noted.

By Mr. White: The evidence is offered as the best and only evidence of the intention of the party at the time.

By Mr. Hastings: The objection is made to this because the Cherokee Nation believes that the subsequent conduct of these people show that that intention was untrue.

A I heard my wife ask her when they were going to move back and she said they were trying to get ready to move back as quick as they could; that is all I heard said about it.

Q When was this? A Why, that has been about, I think eight or nine years ago.

Examination by Mr. Hastings.

Q They never did move back, did they? A No sir.

Q They still live in Seneca, Missouri? A Yes sir.

Q These people were very poor when they left the Cherokee Nation?

A Yes sir, I considered them very poor.

Q In needy circumstances? A Yes sir.

Q And still they left the only cow and calf they had with you?

A Yes sir.

Q Never had another cow and calf? A I don't know what they had after they left here; that was all they had when they left here though.

Q What became of that little place they were living on? A Well, sir, really I think it was moved off, I don't know.

Q Don't you know Thompson - Johnson Thompson - got it for a store debt? A I don't know, it was moved off.

Q Who took charge of it? A I couldn't say.

Q The house was moved off the place and gave up development? A Yes sir.

Q And reverted to public domain? A Yes sir.

Q And some one else afterwards settled on it? A Yes sir.

Q About how many rooms were in the house? A Two rooms, a frame house.

Q What was it worth? A I would judge at that time it would cost something like four hundred or five hundred dollars.

Q A two-room frame house? A Yes sir.

Q Was it painted? A I think it was.

Q Do you know? A I aint certain, but I think it was painted; it was a two-room house.

Q Don't you know there wasn't a painted house in this country in '71 or '72? A Yes, there was then.

Q How far was it from Vinita? A This old man Roger's place.

Q I aint asking you about that. I am asking how far from Vinita? A It was twelve miles.

Q You lived adjoining it, did you? A Yes sir, right close to it.

Q You kept this cow eight or ten years? A Yes sir.

Q And then you bought it and paid him for it? A Yes sir.

Q And that is the end of it? A Yes sir.

Q Now this little place, this cow and calf was the only property he left there, was it? A Yes sir, that was all I knew he had.

Examination by the Commission.

Q When did you say this conversation took place? A This was in Seneca.

Q Eight or nine years ago? A Yes sir.

Q When he left this cow and calf with you did he say anything about coming back? A Yes sir, that was his intention.

Q What did he say? A He wanted me to keep the cow and calf until he come back.

Q What did he say to you? A Why he just simply told me to take the cow and calf until he come back, for me to take it for him, that was our understanding.

Q How much of a farm did he have there? A I think there was about eight or ten acres; that was a pretty good farm them days.

Q In cultivation was it? A Yes sir.

Q What time of the year did he move? A I think it was in the fall of the year.

Q Did he make any crops on the farm? A No sir, I don't think there was; I don't think there was any crop on it.

Q When was this house moved? A It was gone before I knowed it as one hardly. But I rather think it was probably along in the spring of '75.

Q That was the year after they moved? A Yes sir, six months or a year afterwards.

Q Where did you buy these cattle from him, while he was in Seneca? A No sir, I bought them right on my own place.

Q Did he come back? A Yes sir.

Q And sold them to you? A Yes sir.

Q Was that the time you had the conversation with him, - your wife had the conversation with his wife? A No sir.

Q Did he say anything at that time about coming back? A No, I didn't hear him say anything about it at that time, I don't believe, since he come down to see about the cattle.

Q Have you been up to his home at Seneca? A No sir, I haven't been up there.

Q Wasn't that where you had the conversation with him? A That was afterwards.

Q You have been up to Seneca? A Yes, I have been up there.

Q Has he got a farm there? A No sir, I haven't a farm there.

Q Has Flint got a place up there? A I couldn't say whether he has or not.

Q What does he do for a living? A He blacksmiths up there for a living.



Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days.

By Commission: Applicant will be allowed five days to present evidence of the readmission to citizenship of the applicants in these cases, if he so desires. The Cherokee Nation will likewise be allowed to introduce testimony that they were not reinstated.

By W. W. Hastings: The Cherokee Nation desires to offer in evidence Section 781 of the Compiled Laws of the Cherokee Nation found in the Compilation of 1892, pages 376 and 377, as follows:

"All improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place, for the term of one year, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall then forward be considered their lawful property; provided, nothing in this act shall be so construed as to impair the rights of orphans."

The Cherokee Nation offers in evidence Section 328 of the Compiled Laws of the Cherokee Nation of 1892, page 136 of the Compilation of 1892:

"Judgment shall not be rendered for the recovery of any improvement upon the public domain in any suit brought before the courts of this Nation, unless such suit be instituted, as required by law, within three years next after the time at which the right of bringing suit for the recovery thereof, or the cause of action shall have accrued to the person claiming the same, or to the person through whom he claims, saving to minors and persons "non compos mentes," the three years named above after the removal of their disabilities."

By Commission:

Applicant desires to have the testimony taken in this case filed and made a part of the record in the following cases: George L. Flint, Cherokee R-680; Gertrude F. Flint, Cherokee R-675; Lydia K. Spencer et al., Cherokee R-676; Weston G. Browning et al., Cherokee R-678, and Rebecca L. Laughlin et al., Cherokee R-677; and it is so ordered.

By Mr. White: I state that I have gone through the Executive Office of the Cherokee Nation where certain books were shown to me purporting to be acts of the Cherokee National Council for the years 1879 and 1880 and for the year 1896; that the Clerk in custody of those records stated that they were the only records he had and I wish to object at this time to the introduction of any transcripts of those records, or to any certificate that as to whether what does or what does not appear of record, for the following reasons: First, that the records bear upon their face the evidence of having been carelessly kept; second, that in some instances they purport to be signed by the various officials of the Cherokee National Council, but an inspection shows that the handwriting of all the signatures are the same, and they were therefore not signed by the officials them-

selves; third, nowhere in such records does it appear that the records contain all of the acts of the Cherokee National Council; fourth, there is no resolution of the Cherokee National Council showing that the records as kept contain all of the acts of the Cherokee National Council; fifth, in the absence of this matter of identification I will further object to the introduction of them unless the handwriting is proven; further, I am compelled to leave the city at once and consent that Mr. Hastings, for the Cherokee Nation, may introduce J. T. Parks, as a witness, who is the Executive Secretary, in my absence.

-----

Evidence taken on part of the Cherokee Nation on

MAY 28, 1903.

Cherokee Nation represented by W. W. Hastings; No appearance of W. H. White, Applicant's Attorney.

Andrew B. Cunningham, being duly sworn and examined, testified as follows:

By W.W.Hastings: Your name is Andrew B. Cunningham? A Yes sir.

Q What is your age? A Thirty-two.

Q What is your postoffice? A Tahlequah.

Q What official position, if any, do you hold? A I am Assistant Executive Secretary of the Cherokee Nation.

Q Who is the Principal Executive Secretary? A J. T. Parks.

Q Is there another Assistant Executive Secretary in addition?

A Yes, J. L. Garrett.

Q Are you all three the custodian of the records of the Executive Department of the Cherokee Nation equally? A Yes.

Q I will ask you if Mr. Parks is present and in the town of Tahlequah at this time? A He is not.

Q When did he leave town? A He left town Tuesday noon.

Q Last Tuesday at noon? A Yes sir.

Q I will ask you if he is expected to be gone some days? A He told me he would be back about Sunday or Monday.

Q This coming Sunday or Monday? A Yes sir.

Q Where has he gone? A He went to his farm way up on the Missouri line. He went around by the way of Vinita with his family and he probably stopped there for a day or so; his wife and baby went with him.

Q Well, you have already stated that you are custodian of the records along with J. T. Parks and your other Assistant Executive Secretary of the records of the office of the Cherokee Nation? A Yes sir.

Q Are you the custodian of the acts of the Cherokee National Council? A Yes.

Q Mr. Cunningham, what has always been the practice, or how are the acts of the National Council kept after they are passed or enacted into law, are they transcribed in any books for preservation?

A Yes, the custom of the Cherokee government when an act is passed by the National Council and approved by the Chief it is turned over to the Secretary and transcribed into a book marked "Laws of the Cherokee Nation" from a certain date to a certain date. In my instances these original acts are returned to the

house in which they originated; I don't know where they are; there may be some old acts in the Senate safe or Council desks, but in many instances they were returned; that was the custom many years ago. We have some of them on file of late years.

Q Have you examined the original records of the Executive Department in which the acts of the National Council are kept for the years, say from 1875 to 1880 inclusive? A Yes, I examined the acts in that book. (Book presented before the Commission.)

Q Is this the book you present here? A Yes sir, we recognize this as the record of law from 1875 to 1880.

Q So far as you know does that contain all the law between those dates? A As far as I know it does, yes; that is all except 1880 and I have another record over there with the balance of '80.

Q Then it contains all the law from '75 to 1880 inclusive except a few in 1880 which is continued in another book? A Yes sir.

Q I will ask you if these records bear upon their face that they have been carelessly kept? A No, I don't think so. I think the records in those days were much better kept than they are at present.

Q I will ask you if any of the laws which are copied into these records which you present here to the Commission were ever signed by the Council officials, or were they copied in here by the Executive Secretary? A The Executive Secretary simply had one of his Assistants copy this act as approved by the Principal Chief, and all of those names were copied right off into a book, and in many instances these original acts were sent back to the Council. It used to be the custom to return them at once as soon as they were transcribed.

Q Well, these acts were compared with the original? A Yes, it was the custom for the Assistant to copy or transcribe an act and there was an Assistant there to compare it; that was the way we worked then things.

Q Do these records purport to contain all of the acts of the National Council between these dates of which you stated? A They do.

Q Was it ever regarded as necessary that the National Council pass a resolution certifying that these books were correct copies? A I never knew of anything like that, or of it deemed to be necessary.

Q Now you state that you examined these laws from 1875 to 1880 inclusive and also the acts of 1886. I will ask you if these records contain any act or resolution or action of the Cherokee National Council read fitting to citizenship or reinstating a Levi C. Flint to citizenship in the Cherokee Nation? A I have, yes examined these records and fail to find any such record.

By Mr. Hastings: Here the Cherokee Nation tenders the original records testified of by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, to the Commission for inspection and for such remarks as the Commission might find necessary to make with reference whether or not they have been carelessly kept or whether or not they have been well preserved inasmuch as object on was made to them upon this ground by the attorney for the applicant in this case.

Q The record in this case shows that Levi C. Flint's wife's name was Stella A. Flint and they had children by the names of George Flint, Rebecca, Lydia K., Sarah E. and Gertrude. Rebecca afterwards married a man by the name of Laughlin; Lydia married a man by the name of Spencer, while Sarah E. married a man by the name of Preston O. Brown. I will ask you to examine the records of these dates and refer me to and see whether or not they show that



21-Levi C. Flint et al.

any members of this family were admitted to citizenship or readmitted to citizenship in the Cherokee Nation? A I have examined these records from '75 to '80 and I find no record of any of those parties mentioned being admitted or readmitted. I find no records of admission of any of those parties in 1896, or '80, from '75 to '80 and 1896.

Q Well, you found no record of any of those parties being admitted at any time, but you examined those years particularly and you did not find them? A I examined those years and I find those parties not admitted. I examined the acts from 1875 to 1880 inclusive and the acts of 1896.

By the Commission: The Cherokee printed list of persons admitted or readmitted to Cherokee citizenship by the National Council and Cherokee Commissions on citizenship in the year 1880 and since that year, which list is now in possession of this Commission, has been examined for the names of the applicants in these cases, and such examination fails to disclose any of the names of the applicants.

By W.W.Hastings: The representative of the Cherokee Nation here desires to answer the objection made by Counsel for the applicants and states that it is untrue that the records bear upon the face that they are carelessly kept, and said original records are hereby tendered to the Commission for its inspection, and we contend that the records show that they have been well preserved and that they have been carefully kept, that all of the laws were transcribed into them carefully, using good penmanship, and that they are properly indexed. And in answer to the second objection of counsel for the applicant it is not contended by the Cherokee Nation that these are the original acts of the National Council, but is explained by the witness on the stand that these records contain the acts of the National Council transcribed by the sworn officials of the Cherokee Nation into these books for safe preservation and only purport to be copies of the original acts. And in answer to the third objection it is contended that these books do purport to contain all of the acts of the Cherokee National Council and it is not shown by the applicants that any act of the National Council was ever passed during those dates that is not found in these books. In answer to the fourth objection it is contended that no resolution was necessary to be passed by the Cherokee National Council authenticating these acts and were transcribed under the supervision of the Principal Chief of the Cherokee Nation by sworn officers of the Cherokee Nation in whose custody they still are. In answer to the fifth objection that they are inadmissible unless the handwriting is proven, we say then that it would be necessary for all officials to live forever if that were true, because when he dies the record will die with him, and one of the main objects for keeping records is to preserve them after the death of the parties who made them.

---

vs-Levi O. Flint et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. A. Rothberg

Subscribed and sworn to before me this 1st day of June, 1903.

Samuel Foreman.

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lydia K. Spencer for the enrollment of herself and minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N

The record in this case shows that on September 17, 1900, the applicant, Lydia K. Spencer, appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 24, 1902. On May 27, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval, and the Department approved said decision on September 13, 1902, and, under date of April 14, 1903, returned the record in said case to the Commission for readjudication; and further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on May 25, 1903.

The evidence shows that the applicant, Lydia K. Spencer, is a Shawnee by blood and duly identified under the name of "L. K. Flint", on the register of names of members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation prior to the 10th day of June, 1871, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians on the 7th day of June, 1869, and approved by the President of the United States on the 9th day of June, 1869; on the Wallace roll of Cherokee-Shawnees as "Lydia K. Flint"; on the Dickson roll of Cherokee-Shawnees as "Lydia Spencer"; and, under the name of "Lydia Spencer", on the Cherokee-Shawnee pay roll of 1896 and, as an adopted Shawnee, on the 1896 census roll of the Cherokee Nation.

The evidence further shows that all of the other applicants herein are the minor children of the said Lydia K. Spencer.

The applicant, Majel E. Spencer, is identified on the Dickson roll of Cherokee-Shawnees, the Cherokee-Shawnee pay roll of 1896 and, as an adopted Shawnee, on the 1896 census roll of the Cherokee Nation; the applicant, Dustin C. Spencer, is identified on the 1896 census roll of the Cherokee Nation as an adopted Shawnee; and the applicant, Yvette Spencer, is duly identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that the applicant, Lydia K. Spencer, resided in the Cherokee Nation for several years after her removal thereto with the Shawnees in 1871, when she removed to the state of Missouri and has since continuously resided therein; but it appears from said evidence that she has owned personal property in the Cherokee Nation during her residence in said state of Missouri and has always claimed said nation as her home. The residence of the minor applicants herein is considered to be the same as that of their mother.

Cherokee D #311

(1967)

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D #937 (I.T.D. 2900-1903), that the said Lydia K. Spencer, Majel E. Spencer, Dustin C. Spencer and Yvette Spencer should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this 20 OCT 1900

Department of the Interior,  
Commission to the Five Civilized Tribes.

Tahlequah I. T. October 15th 1903.

In the Matter of the application for the enrollment of Lydia

K. Spenoer as citizens of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in the above entitled case and requests that the record be transmitted to the Honorable Secretary of the Interior for review.

Protest and Argument.

The testimony in this case shows that the applicant is a daughter of Levi C. Flint; that they came to the Cherokee nation and that their names appear upon the Shawnee register of 1871 but the testimony does not show as stated in the judgment that the applicant "Resided in the Cherokee Nation for several years after removal thereto with the Shawnees in 1871" but upon the other hand the testimony shows that her father left the Cherokee nation in 1874 or 1875 and has been a continuous non resident since that time. Neither does the testimony show as the judgment states that she has owned personal property in the Cherokee Nation during her residence in the state of Missouri. There is no warrant whatever in the testimony for these findings in the judgment; upon the other hand the testimony is quite clear that the small claim which the said Levi C. Flint the father of the applicant had upon the public domain in the Cherokee nation was abandoned and for years no ~~member~~ member of the family had any improvements upon the public domain in the Cherokee Nation or was the owner of any personal property within the limits of the Cherokee Nation but all of them with all of their families lived in the State of Missouri where they were residents; where they exercised the right of citizenship.

Upon a rehearing of his case before the Commission Levi C. Flint, who testified in his own behalf and whose testimony was made a part of the record in this case stated that he had no property within the limits of the Cherokee nation during a long number of years; that for more than twenty years he and the applicant were continuous residents of the state of Missouri where he had voted at all times during both congressional and presidential elections and he further stated that he ~~had~~ had not been permitted to vote in the Cherokee Nation because the Cherokee authorities told him that he was not a citizen and not entitled to vote.

We do not see any comparison whatever between these cases and the Yeargain cases as stated by the Commission. In the Yeargain cases these boys were upon every roll made by the Cherokees; were born within the limits of the Cherokee Nation; were Cherokees by blood; they owned farms and personal property within the limits of the Cherokee Nation after reaching their majority; they voted at every Cherokee election; held various offices in the Cherokee nation; had always been recognized as citizens of the Cherokee nation and were when they made applications for enrollment as citizens of the Cherokee nation residing within a stones throw across from the Cherokee line at a town where all Cherokees for miles around went to do their trading; they were in a general mercantile business at South West City Mo and at Grove I. T.. Upon the other hand in the case at bar the applicant and her father have been disconnected from the Cherokee nation or tribe for about thirty years. Neither applicants husband or her father have voted in the Cherokee nation during that period and have never in any way been identified with Cherokee affairs. They owned no farm upon the public domain of the Cherokee Nation except one that was abandoned and owned no personal property in the Cherokee nation., and we do not believe they are entitled to be enrolled.

Respectfully,

W. W. [Signature]  
Atty Cherokee nation.

INDEXED. *X*

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
556		Book	Page
1901	JAN 14 1901		

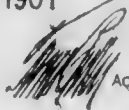
*1/18*

*5 Allen, Edgar A.  
Supt. Indian Training School  
Seneca, Mo.  
Dec. 3. 1900*

*Certifying that Lydia K. Spencer  
et al. are not true in the  
rolls of Agency, and that they  
have no allotments of land or  
draw any money*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JAN 22 1901



ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE

Seneca Indian Training School,  
(Formerly Quapaw Agency, I.T.)

Seneca, Mo., Dec. 3, 1900.

The Chairman of the

Commission to the Five Civilized Tribes.

Sir:

This is to certify that Lydia K. Spencer and her children -  
Majal, Calvin and Yvette Spencer; Rebecca Laughlin and her children -  
Della, Stella, Everitt, Ethel, Pamela, David and Charles Laughlin;  
*Stella Flint his wife*  
Levi Flint, and his child Gertrude Flint; George Flint and P. G.  
Browning and his children - Queen Esther, Thomas and Benjamin  
Browning, - are not borne on the rolls of this Agency and have no  
allotments of land and draw no annuities with any of the tribes  
located in this Agency.

Very respectfully,

*Edw. Allen*  
Superintendent.

11



COMMISSIONERS  
HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....February 4th, 1902

Mrs. Lydia K. Spencer,  
Seneca, Missouri,

Madam:-

You are hereby notified that the application of.....yourself and three minor  
children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the  
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,  
when an opportunity will be given you to introduce any additional testimony affecting your applica-  
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same  
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-  
ment, but said Representatives will be required to notify you of their intention to introduce such  
testimony before they will be permitted to do so.

Cherokee D-311  
Register.

Yours truly,

Acting Chairman.


8

D311

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 21 1902



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mushrope IS 2/21/02.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Sydia R. Spencer et al for enrollment as  
Cherokee Freedmen.

S. S. Glover

No. 60 311

Chas. Hall.

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lydia K. Spencer, Majel E. Spencer, Dustin G. Spencer, and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Bixby*  
Acting Chairman.

Encl. C-11.

COPY

Washoe, Indian Territory, May 27, 1902.

Lydia K. Spencer,  
Seneca, Missouri.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lydia K. Spencer, Majel K. Spencer, Rustin C. Spencer and Yvette Spencer, as citizens of the Cherokee Nation of Cherokee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Wm. Bixby  
Acting Chairman.

Encl. C-55.

Register.

COPY.

Mustoge, Indian Territory, May 27, 1902.

C. C. Glover, Esq.,

Attorney at Law,

Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lydia K. Spencer, Majel E. Spencer, Justin C. Spencer and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*James Bixby.*

Acting Chairman.

Incl. C-53.

Register.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Lydia K. Spencer, Majel E. Spencer, Dustin O. Spencer and Yvette Spencer as citizens of the Cherokee Nation, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Encl. D-311.

Refer in reply to  
the following:

COPY.

Land

31848--1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, June 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated May 27, 1902, forwarding for the Department's consideration the record relative to the application of Lydia K. Spencer for the enrollment of herself and her children Majel E., Dustin C., and Yvette Spencer as citizens of the Cherokee Nation. These people claim to be of Shawnee Indian blood.

May 27, 1902, the Commission found that the applicants were not entitled to enrollment. These parties were not living in the Cherokee Nation June 28, 1898, and are not, therefore, entitled to enrollment. The office recommends the approval of the Commission's decision; and in connection with this report attention is invited to office report of even date transmitting the record relative to the application of Levi C. Flint.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (S)



D. C. No. 15416-1902.

55216

J. P.

L. R. S.

470

EAF

ITD. 3787, 5294, &  
5528-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 27, 1902, you submitted the case of Lydia K. Spencer (formerly Flint), involving the application for enrollment of herself and three minor children, Majel E., Dustin C. and Yvette Spencer, as Cherokee citizens by Shawnee blood. Since the receipt of the papers attorneys for claimants have filed arguments in their behalf.

It appears that the principal applicant is 29 years of age; that she lived in Missouri at the time of her application and had lived there for twenty years; that in 1892 she was married to John N. Spencer, a citizen of that State. She is not identified on the Cherokee authenticated roll of 1880, but her name appears upon the Cherokee Shawnee register roll, and also on the Wallace roll of Shawnee Cherokees, and on the Dickson roll of Shawnee Cherokees. She is also identified on the Cherokee-shawnee pay roll of 1896 and the Cherokee census roll of 1896. Majel E. Spencer is identified on the Dickson roll, the Cherokee census roll of 1896, and the Cherokee-Shawnee pay roll of 1896. Dustin C. Spencer is identified on the Cherokee census roll of 1896. Proof of the birth of Yvette Spencer on September 23, 1897, has been furnished. As none of the

applicants had removed to the Cherokee Nation prior to the act of June 28, 1898 (30 Stat., 495), which provides that no person shall be enrolled who had not theretofore removed to and in good faith settled in the nation in which he claims citizenship, you rejected the application.

In submitting the case June 16, 1902, the Acting Commissioner of Indian Affairs refers to his report in the case of Levi C. Flint, and recommends that your decision be concurred in.

In view of the mentioned provision of the act of June 28, 1898, your decision is affirmed. Attention is called to departmental decision of even date in the case of Rebecca L. Laughlin et al. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

Cherokee D 311.

Muskogee, Indian Territory, October 6, 1902.

Lydia K. Spencer,

Seneca, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting your application for the enrollment of yourself and your three minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

*Tamc Dixby*  
Acting Chairman.

COPY

Cherokee D 311.

Muskogee, Indian Territory, October 6, 1902.

S. S. Clover,

Attorney for Lydia K. Spencer, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Lydia K. Spencer for the enrollment of herself and her three minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

*Sam D. Kirby*  
Acting Chairman.

COPY

Cherokee D 311.

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Lydia K. Spencer for the enrollment of herself and her three minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

*Wm. D. Smith*  
Acting Chairman.

D.C.8399-1903

DEPARTMENT OF THE INTERIOR.

J.P.

FHE

WASHINGTON.

I.T.D. 3787-1902  
2655-1903

March 23, 1903.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Lydia K. Spencer et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 13, 1902, as the points of law involved in said case are similar to those involved in the case of Joseph D. Yeargain et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903, in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

D.C. 10748-1903

DEPARTMENT OF THE INTERIOR.

J.P.

WASHINGTON.

I.T.D. 3767-1902  
5204- "  
5528- "  
3448-1903  
3647- "

April 14, 1903.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

September 13, 1902, the Department affirmed your decision rejecting the application of Lydia K. Spencer for the enrollment of herself and her three children as citizens of the Cherokee Nation, as none of the applicants were residing in the Cherokee Nation on June 28, 1898, and as the act of that date provides that

"No person shall be enrolled who has not heretofore removed to and in good faith located in the Nation in which he claims citizenship."

The testimony was taken and your decision and that of the Department were rendered under a different understanding of said provision of the act of June 28, 1898 (30 Stat., 495), from that expressed by the Department in the case of Clement G. Clarke of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

Upon motion for review and rehearing the Department has reconsidered the case, and in view of said latter decision and opinion, the decision of September 13, 1902 is hereby re-



reopened, and the case is remanded for further proceedings and readjudication in the light of said opinion and decision, and the decision of the Department of March 17, 1903 in the case of Elizabeth C. Payne.

The testimony and papers attached thereto are inclosed herewith, together with arguments filed August 25, and September 5, 1902, by the attorneys for the applicants, also motion filed April 11, 1903 by <sup>said</sup> attorneys, with affidavit attached thereto.

Respectfully,

(signed) Thos Ryan  
Acting Secretary.

4 inclosures.

Muskogee, Indian Territory, April 30, 1903.

Lydia K. Spencer,  
Seneca, Missouri.

Dear Madam:

You are hereby notified that on April 14, 1903, the Secretary of the Interior remanded, for the purpose of taking additional testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation. Evidence is particularly required as to your residence in the Cherokee Nation.

You are advised that any further testimony which you may have to introduce tending to establish the rights of yourself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 23, 1903.

Respectfully,

Chairman.

GRS

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

947

REFER IN REPLY TO THE FOLLOWING

Cherokee R-876

ALLISON L. AYLESWORTH,  
SECRETARY

Muskogee, Indian Territory, April 30, 1903.

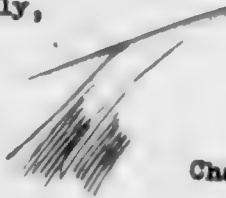
W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 14, 1903, the Secretary of the Interior remanded, for the taking of further testimony, the application of Lydia K. Spencer for the enrollment of herself and family as citizens of the Cherokee Nation. Further evidence is particularly required as to the residence of the applicants in the Cherokee Nation.

The principal applicant has this day been notified that any further testimony which she may have to introduce tending to establish the rights of herself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 23, 1903.

Respectfully,



Chairman.

GRS

R 679

COMMISSIONER OF THE

MAY 25 1903

DEPARTMENT OF THE INTERIOR,

~~UNITED STATES INDIAN SERVICE~~

Seneca Indian Training School,  
Quapaw Agency, Indian Territory.

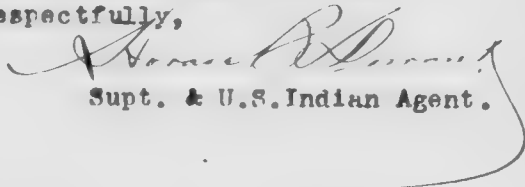
Wyandotte, I.T., May 20, 1903.

Mr. C. B. Laughlin,  
Seneca, Mo.

Dear Sir:

In reply to your inquiry of this date I have to state that Mrs. Lydia Flint Spencer has been continuously employed in the Indian Service at this school since August 16, 1899.

Very respectfully,

  
Supt. & U.S. Indian Agent.

Tahlequah, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith the original card, jacket and record in the matter of the application of Lydia K. Spencer, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R. 676.

This case was reopened and remanded by the Secretary of the Interior on March 23, 1903, for further proceedings and re-adjudication. Further testimony was taken on May 25, 1903, a copy of which is a part of the record.

The record in this case is now considered complete and the same is transmitted to the office at Muskogee that a decision may be prepared.

Respectfully,

NH  
Encl-H- 265

Commissioner in Charge  
Cherokee Land Office.

COPY.

Cherokee D-311.  
( R 676 ).

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Lydia K. Spencer for the enrollment of herself and her minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-77

Chairman.



Cherokee(D-311.  
Cherokee(R-676 )

Muskogee, Indian Territory, October 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 14, 1903 (ITD. 3787-5294-5528-1902, 3448-3647-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Lydia K. Spencer for the enrollment of herself and her minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood, including the Commission's decision dated October 9, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Enc. D-150

Commissioner in Charge..

Through the  
Commissioner of Indian Affairs.

CCF

Cherokee D-511  
(R-676).

Muskogee, Indian Territory, October 20, 1903.

Lydia K. Spencer,  
Seneca, Missouri.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting your application for the enrollment of yourself and your minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C., a copy of the record of proceedings and there has this day been forwarded to them a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. J. Spencer*

Enc. D-148  
Register.

Commissioner in Charge.

COPY

Cherokee D-311.  
(Cherokee R-676)

Muskegee, Indian Territory, October 20, 1903.

Kimball & White,

Attorneys for Lydia K. Spencer, et al.,  
Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Lydia K. Spencer for the enrollment of herself and her minor children, Majel E., Dustin C. and Yvette Spencer, as citizens of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-149.  
Register.

Commissioner in Charge.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 31, 1903.

Refer in reply  
to the following:  
Land.  
68432-1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 14, 1903, (I. T. D. 3787, 5294, 5528-1902, 3448 and 3647-1903), returning to the Commission to the Five Civilized Tribes the record relative to the application of Lydia K. Spencer, et al., for enrollment as citizens of the Cherokee Nation, for re-adjudication in accordance with the Department's holdings in the Yeargain, Clarke and Payne cases, there is enclosed herewith a report from the Commission to the Five Civilized Tribes dated October 20, 1903, returning the record.

Lydia K. Spencer applies for the enrollment of herself and her minor children, Majel N., Dustin C., and Yvette Spencer as citizens of the Cherokee Nation of Shawnee blood. September 13, 1902, (I. T. D. 3787, 5294 and 5528), the Department held that these applicants were not entitled to enrollment. This decision was, however, rescinded by Department letter of April 14th first above referred to.

The evidence shows that the principal applicant is of Shawnee blood, and that she is identified by the Shawnee-Cherokee roll under her maiden name, L. K. Flint. Her name appears on the Wallace roll as Lydia K. Flint, on the Dickson roll as Lydia Spencer, on the Cherokee-Shawnee pay roll and the Cherokee Census roll of 1896 as Lydia Spencer. The minor applicants are her children. Majel E. Spencer is identified by the Dickson roll, the Cherokee-Shawnee roll and the 1896 Census roll as an adopted Shawnee. His mother is identified on the rolls above referred to as an adopted Shawnee. Dustin C. Spencer is identified by the 1896 roll as an adopted Shawnee. Yvette Spencer is identified by a birth affidavit. The evidence shows that the principal applicant resided in the Cherokee Nation from 1871 to sometime in 1874, when she removed with her father to the Quapaw Agency, where she remained until 1882, when she removed to Missouri, where she has since resided. The attorney for the Cherokee Nation and the attorneys for the applicants filed briefs and arguments in the case. The Commission to the Five Civilized Tribes on October 9, 1903, held that in view of the Department's decision in the Yeargain case, the applicants were entitled to enrollment.

Considering the Department's decision in the case mentioned, the office does not consider it necessary to discuss

the briefs and arguments of the attorneys mentioned, believes that the decision of the Commission is correct, and recommends its approval, it being shown that the principal applicant owned personal property in the Cherokee Nation during her residence in the State of Missouri, and that she always claimed the Cherokee Nation as her home.

Very respectfully,

W. A. Jones,

GAW-CGC

Commissioner.

I. T. D.  
7852, 3448,  
3787--1903.

( C O P Y )

J. R. W.  
W. C. P.  
S. V. P.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,  
Washington, March 25, 1905.

The Secretary of the Interior.

Sir:

I received by reference of October 18, 1904, with request for opinion thereon, the papers in the application of Lydia K. Spencer and her children, Majel E., Dustin C., and Yvette, to be enrolled as citizens of the Cherokee Nation.

The principal applicant was born January, 1871, a Shawnee, and with her parents is identified on the register of names of Shawnee Indians who removed to and located in the Cherokee Nation prior to June 10, 1871, in accordance with the Cherokee-Shawnee agreement, approved by the President June 9, 1869, pursuant to Article XVI of the treaty of July 19, 1866 (14 Stat., 799). After living there something over three years, her father went into government employ, as Indian blacksmith, at the Quapaw Agency, taking his family, but leaving his effects in the Cherokee Nation and intending thereto to return. In 1879 or 1880 her father left government service and went to Seneca, Missouri, where the applicant lived till she went to the Carlisle Indian School, from which she returned to Seneca in 1892, and in November, 1892, married John M. Spencer, a white man, who was killed July 8, 1900, a private in the army of the United States. From



some time in 1899 to the present time she has been in the employ of the United States as matron at the Wyandotte Indian School. She is not on the authenticated 1880 Cherokee roll, but is on the Wallace roll and Dickson roll of Shawnee-Cherokees, and Cherokee-Shawnee pay roll of 1896 and 1896 Cherokee census roll. She drew the 1896 strip payment, and therewith purchased the improvements and possessory rights to land in the nation, which she has improved, cultivated, now possesses, has personal property there, and has always since its purchase claimed as her home, intending to return to the nation. Majel E. is identified on the Dickson roll of Cherokee-Shawnees and on the Cherokee-Shawnee pay roll and, with Dustin C., on the 1896 Cherokee census roll; and Yvette is identified by birth certificate in the record as issue of said marriage of principal applicant.

The principal applicant having been fully identified with the nation as one of its citizens did not, in my opinion, under any law of the Cherokee Nation or of the United States, forfeit her rights in the Cherokee Nation, or become expatriated, by her removal by her parents from the territorial jurisdiction of the nation. But when she reached her majority and had free choice of her domicile, as she did in 1899, and failed within a reasonable time to establish her domicile in the nation, or to have any property interests or effects in the nation identifying

herself with its interests and life, she lost her status as a Cherokee, and could be restored thereto only by act of the Cherokee authorities and in accordance with the Cherokee law. Instead of returning to the nation on attaining her majority, she married in 1892 a citizen of the United States and settled at Seneca, Missouri. This was clearly an election to withdraw from the Cherokee Nation and not to reassert her rights of citizenship of the nation from which she had been removed when a child. The case is controlled by the same principles as that of Clara A. Ward, subject of my opinion of this date, the reasoning of which need not be here repeated.

The Commission to the Five Civilized Tribes admitted her to enrollment, deeming themselves concluded by the decision in the case of Joseph D. Yeargain (I. T. D. 2900-1903). The cases are not similar -- Yeargain, a native-born citizen, had never severed completely from the nation. He participated in all its general elections, identified himself continually with the nation, took part in its public affairs, had therein much property and his previously improved lands, which he continued to manage, being resident temporarily without the nation for business purposes.

I am therefore of opinion on the record here presented

that the protest of the nation against enrollment of the applicants should be sustained, and their enrollment be denied.

Very respectfully,

Frank L. Campbell,

Approved: March 23, 1903.

Assistant Attorney-General.

H. A. Hitchcock,

Secretary.

LFE.

( C O P Y )

JWH.  
FEB.

DEPARTMENT OF THE INTERIOR,

I. T. D. 7852-1903.

3094-1905.

D. C. 17561-1905.

WASHINGTON. March 31, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 20, 1903, you returned the record in the matter of the application of Lydia K. Spencer for the enrollment of herself and her minor children, Majal K., Dustin C., and Yvette Spender, as citizens of the Cherokee Nation of Shawnee blood, together with your decision of October 9, 1903, granting said application.

Reporting in the matter October 31, 1903, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is enclosed.

In an opinion rendered March 28, 1905, approved by the Department the same day, the Assistant Attorney General held that the enrollment of said applicants should be denied. In accordance with said opinion, your decision of October 9, 1903, in favor of the applicants, is hereby reversed.

A copy of said opinion is enclosed herewith.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

2 inclosures.

COPY.

Cherokee R-676.

Muskogee, Indian Territory, April 17, 1905.

Lydia K. Spencer,

Seneca, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of yourself and your minor children as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on March 31, 1905.

Respectfully,

(SIGNED). *Fame Bixby.*  
Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. HENKLES,  
C. E. BRACKENRIDGE

WM. O. BEALL  
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

5610  
REFER TO ONLY TO THE FOLLOWING:  
Cherokee R-676.

Muskogee, Indian Territory, April 17, 1905.

W. W. Hastings,

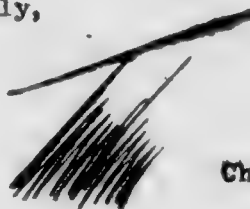
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Lydia K. Spencer, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on March 31, 1905.

Respectfully,



Chairman.

Muskogee, Indian Territory, April 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The Department in its letter of April 4, 1904, (I.T.D. 7162-1903), upon request of the Commission, remanded the case of Hugh B. Henry, et al., Cherokee R-404, for readjudication in the light of the rulings in the Yeargain and other similar cases.

Upon re-examination of said cause, this Commission can find no error in its decision of April 26, 1902, denying the application of said Hugh B. Henry, et al., for enrollment as citizens by blood of the Cherokee Nation, and considers the rulings in the Yeargain and other similar cases not applicable to the within cause, and respectfully recommends its said decision be approved, except as to Alice M. Henry, who claims by intermarriage.

Respectfully,

Through the

Commissioner of Indian Affairs.

(SIGNED)

*Tams Bixby.*

Chairman

(SIGNED)

*T. B. Needles.*

Commissioner

(SIGNED)

*C. R. Breckinridge.*

Commissioner

Enc. R-404



COPY.

Cherokee R-676.

Muskogee, Indian Territory, April 17, 1905.

Kimball & White,

Attorneys for Lydia K. Spencer, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Lydia K. Spencer, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on March 31, 1905.

Respectfully,

(SIGNED)

*Lane Dixby.*  
Chairman.

COPY.

Cherokee N-678.

Muskogee, Indian Territory, April 19, 1906.

---

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Lydia K. Spencer, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on March 31, 1905.

Respectfully,

SIGNED: *Tams Birby.*  
Chairman.

Cher R 677

Cher R 677

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I. T., September, 17, 1900.

In the matter of the application of Rebecca L. Laughlin for the enrollment of herself and children as Cherokee citizens; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Rebecca L. Laughlin.  
Q What is your age? A Thirty-six.  
Q What is your post-office address? A Seneca Missouri.  
Q Are you a recognized citizen of the Cherokee Nation by blood?  
A Yes sir.  
Q What degree of blood do you claim? A Three quarters.  
Q What district do you reside in? A Delaware District.  
Q How long have you lived in the Cherokee Nation? A We lived in the Cherokee Nation three years.  
Q Where did you live before that? A In Kansas.  
Q For whom do you apply for enrollment? A Myself and children.  
Q What is your husband's name? A Charles L. Laughlin.  
Q Is he a non-citizen? A Yes sir.  
Q When were you married? A In 1882.  
Q Have you a certificate of marriage? A Yes sir.  
Q Please present it. A I haven't it with me.  
Q What was your name before you were married? A Rebecca L. Flint.  
Q Your name appears upon the authenticated rolls of the Cherokee Nation? A Yes sir.  
Q Roll of 1892? A No sir, I don't think it is on the 1890 roll.  
Q What are the names of your children? A Alice A. Laughlin, seven years old; Stella E. Laughlin, sixteen; Haviilah E., he is fourteen; Ellen E., she is eleven; Pamela E., A., she is nine; Levi D., he is five; Charles L., he is two.  
1896 roll page 603 #248 Rebecca L. Laughlin Delaware District;  
Q Is your husband living? A Yes sir.  
1896 roll page 603 #249 Alice A. Laughlin Delaware;  
1896 roll page 603 #251 Ellen E. Laughlin Delaware  
1896 roll page 603 #250 Haviilah Laughlin "  
189 roll page 608 #253 Levi D. Laughlin "  
1896 roll page 603 #252 ~~Stella E.~~ Pamela E. Laughlin Delaware  
~~1896 roll~~ Shawnee Pay Roll 1896, page 26 #503 Stella E. Laughlin.

Examined by Cherokee Attorney W. T. Hutchings:

Q Where were you married? A Seneca Missouri.  
Q Was your husband a resident at that time of ~~the State of~~ Seneca Missouri? A No sir.  
Q Where did he reside? A He was living in the Peoria Nation Quapaw Agency.  
Q Did he ever reside in the Cherokee Nation? A No sir.  
Q How long had it been since you had resided in the Cherokee Nation when you married him? A Eight years.  
Q Where did you both reside, you and your husband, after your marriage? A In the Peoria Nation, Quapaw Agency.  
Q Of what state or government was he a citizen? A ~~He~~ Of Kansas but he was in the Government employ.  
Q And he voted after he was married to you, in the State of Kansas.  
A No, he voted in the State of Missouri after ~~we~~ we was married.  
Q He went then to reside in Missouri and lived there and voted there? A Yes sir, since then.  
Q You have never resided in the Cherokee Nation since you were married? A No sir.  
Q All of your children were born outside of the Cherokee Nation? A Yes sir.

Com'r Needles: The name of Rebecca L. Laughlin appears upon the census roll of 1896 as well as the names of her children, Alice

11

a.

11-11-11

Rebecca L. Laughlin et al 2

A., Ellen E., Havilah E., Levi D. and Pamela A. She avers that she has one child, Stella E. six years old, whose name does not appear upon the census roll of 1896, but it does appear upon the Shawnee Pay Roll of 1896; she avers also that she has one child younger, ~~Rebecca~~ Charles H., whose name does not appear upon the census roll of 1896; her maiden name was Rebecca L. Flint;

final judgment as to the enrollment of Rebecca L. Laughlin and her said children will be suspended, and their names will be placed upon a doubtful card. It will also be necessary, in order to complete the enrollment that she file satisfactory proof of ~~her~~ the birth of said child Charles H., the youngest child, whose name does not appear upon the census roll of 1896.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes, the proof.

*M.D. Green*

Subscribed and sworn to before me this 18 day of September 1900.

*[Signature]*

Commissioner.

32  
B  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 17 1900

*[Signature]*  
ACTING CHAIRMAN



## CHEROKEES BY BLOOD AND ADOPTION.

Date

SEP 17 1900

1900.

Name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

DELAWARE

Year

1896

Page

608

No.

248

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children

2	Alice A Laughlin	"	Dist.	DELAWARE.	Year	1896	Page	608	No.	249	Age	17
3	Stella E	"	Dist.	DELAWARE.	Year	1894	Page	626	No.	203	Age	16
4	Marilah	"	Dist.	DELAWARE.	Year	1896	Page	608	No.	250	Age	14
5	E. Ellen E.	"	Dist.	DELAWARE.	Year	"	Page	608	No.	251	Age	11
6	Pamela A	"	Dist.	DELAWARE.	Year	"	Page	608	No.	252	Age	5
7	Leve A.	"	Dist.	DELAWARE.	Year	"	Page	608	No.	253	Age	2
8	Charles H	"	Dist.		Year		Page		No.		Age	
			Dist.		Year		Page		No.		Age	
			Dist.		Year		Page		No.		Age	
			Dist.		Year		Page		No.		Age	

2 on 1896 rolls as Alice A Laughlin  
 & Applicant's birth to be supplied

B312

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of Rebecca L. Laughlin for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

CHARLES B. LAUGHLIN, being duly sworn, testified as follows:

COMMISSION: What is your name? A Charles B. Laughlin.

Q What is your postoffice address? A Seneca, Missouri.

Q Are you the husband of Rebecca L. Laughlin, who is an applicant before this Commission for enrollment? A Yes, sir.

MR. CLOVER: What was the name of your wife before she married you? A Rebecca L. Flint.

Q Who is she the daughter of? A Levi and Stella Ann Flint.

Q What tribe of Indians or nation did they belong to? A Well, they belonged to what was known as the Cherokee-Shawnees; that is, they were Shawnees admitted or adopted by the Cherokees according to treaty.

Q When was you married to Rebecca L. Laughlin? A 15th day of March, 1882.

Q Where was you married? A In Seneca, Missouri.

Q Did you ever make application at any time for a license under the Cherokee laws? A Why, yes, sir, I did afterwards, not at that time though; I was in the government service at that time, and they wouldn't let me off long enough to make application at that time. I made application I think in 1896 if I am not mistaken.

Q You was married under the Cherokee laws at that time? A Yes, sir, at that time, yes, sir.

MR. HASTINGS: How old is your wife? A She will be 38 the 15th of next March.

COMMISSION: The name of R. L. Flint appears upon the register of the names of members of the Shawnee tribe of Indians who moved to and located in the Cherokee Nation prior to the 10th day of June, 1871, within two years from the 9th day of June, 1868, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians; she appears thereon as No. 329.

MR. CLOVER: Has your wife any property in the Cherokee Nation? A She has.

Q What does it consist of? A Farm and improvements.

Q Where is it located? A It is about five miles north of Afton.

Q Does she own it at the present time? A Yes, sir.

Q Well, has she ever become a member of any other government than the Cherokee Nation? A No, sir.

MR. HASTINGS: I submit again that this is a legal question.

MR. CLOVER: Was your wife and children enrolled upon what is known as the Wallace Roll? A They were except the younger ones that has been born since then.

Q Did your wife draw the payment under the roll? A She did.

Q Was your wife and children on the Dixon roll? A They were.

Q Did they draw a payment under that Dixon roll? A They did.

Q Is your wife on the Lipe roll? A She was.

Q And drew payment under it? A Yes, sir.

COMMISSION: The following names appear upon the pay roll of Cherokee-Shawnee citizens as disbursed by D. W. Lipe, treasurer of said nation, authorized by an act of the Cherokee National Council, approved March 30, 1896: Rebecca Laughlin, Alice A. Laughlin, Stella E. Laughlin, Havilla E. Laughlin, Ellen E. Laughlin, and Amelia A. Laughlin, Nos. 501, 502, 503, 504, 505, and 506, respectively.

MR. CLOVER: Has any children been born to your wife and yourself since your wife made application for enrollment before the Dawes Commission? A Yes, sir, there has been; there was twins, born on the 6th of March last year, 1901.

Q What is the names? A The boy is Harold Philippine and the girl Helen Cuba.

MR. HASTINGS: Q Where do you reside, Mr. Laughlin? A I live at Seneca, Missouri.

Q Where were you living when you married? A I was in the Quapaw Agency, in the United States service.

Q How long have you been there in Seneca, Missouri? A Since 1884.

Q When did you marry? A 1882.

Q Where were all these children born? A Two of them were born in the Territory.

Q What territory? A In the Indian Territory.

Q Well, the Quapaw Agency? A Yes, sir.

Q And the rest of them were born where? A They were born in Seneca, Missouri.

Q All of these born since that pay roll was made, they were born in Seneca? A Sir?

Q All that you have mentioned were born since the pay roll was made, was born in Seneca, Missouri? A Yes, sir.

Q When did your wife acquire that improvement north of Afton? A Well, I don't know as I can give exactly the year, it is something like '92, between those two years.

Q You were married in '82? A Yes, sir.

Q And went to Seneca in about '84? A Yes, sir.

COMMISSION: The attorney for the applicant will be granted fifteen days in which to furnish the Commission with certified copies of the Wallace roll and the Dixon roll of the Cherokee-Shawnees; also fifteen days in which to furnish the Commission duly executed affidavits as to the births of his two children mentioned in the testimony.

COMMISSION: You submit this case to the Commission for final consideration?

MR. CLOVER: Yes, sir.

COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for decision based upon the evidence now on file, in addition to the certified copies of the Wallace roll and the Dixon roll.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the foregoing case, and that the above is a true and complete transcript of his stenographic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 22nd day of February, 1902.

*[Signature]*

Cherokee D 312

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

H. A. L.

In the matter of the application of Rebecca L. Laughlin for the enrollment of herself and seven minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., and Charles H. Laughlin as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on September 17, 1900, the applicant, Rebecca L. Laughlin, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of herself and her seven minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., and Charles H. Laughlin as citizens by blood of the Cherokee Nation. Thereafter, on February 24, 1902, at Muskogee, Indian Territory, further evidence in the matter of this application was heard and the case was submitted to the Commission for final consideration and ordered closed.

The evidence in this case shows that the applicant, Rebecca L. Laughlin, 36 years of age at the time of her application, has not resided in the Cherokee Nation since 1874. She was married on March 15, 1882, to Charles B. Laughlin a citizen, first of Kansas and later of Missouri.

The name of the applicant, Rebecca L. Laughlin, does not appear upon the Cherokee authenticated tribal roll of 1880, but she is identified on the Register of Shawnees who removed to the Cherokee Nation prior to June 10, 1871, as "R. L. Flint", her maiden name. The names of the applicant, Rebecca L. Laughlin, and her daughter, Alice A. Laughlin, appear upon the Wallace Roll of Shawnee-Cherokees, on the Dickson Roll of Shawnee-Cherokees, on the Cherokee-Shawnee Pay roll of 1884, and on the Cherokee Census roll of 1896. The

Cherokee D 312 - 2 -




Children of the applicant, Havilah, Ellen E., and Pamela A. Laughlin, are identified on the Dickson Roll of Shawnee-Cherokees, on the Cherokee Shawnee Pay Roll of 1896, and on the Cherokee Census roll of 1896. The daughter, Stella E., is identified on the Dickson Roll of Shawnee-Cherokees and on the Cherokee-Shawnee Pay roll of 1896. The son, Levi D. Laughlin, is identified on the Cherokee Census roll of 1896. Three children, Charles H. Laughlin, born July 8, 1898, Harold P. Laughlin, born March 6, 1901, and Helen C. Laughlin, born March 6, 1901, have been born since the preparation of any of the above mentioned rolls and proper proof of their births has been furnished this Commission. The two last mentioned children were born subsequent to the date of this application and are now included in its consideration. None of the children of the applicant, Rebecca L. Laughlin, were born in the Cherokee Nation nor had the applicant, or any of her children, removed to and in good faith settled in the Cherokee Nation prior to the enactment of the Act of Congress of June 28, 1898.

Paragraph 9, of Section 21 of the Act of Congress of June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that Rebecca L. Laughlin, Alice A. Laughlin, Stella E. Laughlin, Havilah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles H. Laughlin, Harold P. Laughlin and Helen C. Laughlin, are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Dated at Muskogee, I.T.

this MAY 27 1902



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rebecca L. Laughlin for the enrollment of herself and her minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood.

## D E C I S I O N.

The record in this case shows that on September 17, 1900, Rebecca L. Laughlin appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D. and Charles H. Laughlin, as citizens of the Cherokee Nation of Shawnee blood. Subsequent to the date of said application, birth affidavits as to her minor children, Harold P. and Helen C. Laughlin, were filed with the Commission and the same are now made a part of the record herein. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 24, 1902, and at Tahlequah, Indian Territory, May 25, 1903.

The evidence shows that the said Rebecca L. Laughlin is a daughter of one, Levi C. Flint; that she is identified by her maiden name, R. L. Flint, on the register of Shawnee Indians who removed to and located in the Cherokee Nation within two years from June 9, 1869, in accordance with an agreement made by and between the Shawnees and the Cherokees, approved on said date; and that all the other applicants are her descendants, born since 1860.

The said Rebecca L. Laughlin and her daughter, Alice A. Laughlin, are identified on the Wallace Roll of Shawnee-Cherokees, on the Dickson Roll of Shawnee-Cherokees, on the Cherokee-Shawnee pay roll of 1896 and on the Cherokee census roll of 1896. The applicants, Havilah, Ellen E. and Pamela A. Laughlin are identified on the Dickson Roll of Shawnee-Cherokees, on the Cherokee-Shawnee pay roll of 1896 and on the Cherokee census roll of 1896. The applicant, Stella E. Laughlin, is identified on the Dickson Roll of Shawnee-Cherokees and on the Cherokee-Shawnee pay roll of 1896. The applicant Levi D. Laughlin, is identified on the Cherokee census roll of 1896. The other applicants, Charles H., Harold P. and Helen C. Laughlin are too young to appear on any of the Cherokee tribal rolls, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that said Rebecca L. Laughlin was thirty-six years of age at the date of this application, and that she resided in the Cherokee Nation from about 1871 to 1874. From that time until about 1882 she resided with her father, Levi C. Flint, at the Quapaw Agency in Indian Territory. In 1882 she was married to one Charles P. Laughlin, and since 1884 she and her husband have resided in Missouri. In 1893 the said Charles P. Laughlin purchased for the applicants herein an interest in an improved farm in the Cherokee Nation, and they have since maintained possession and control of the same. It is considered that the residence of the said minor applicants has been the same as that of their mother.

It is, therefore, the opinion of this Commission, following the decision of the Department in the cases of Joseph D. Yeargain et al. (I.T.D. 2900-1903), and Clement G. Clarke et al. (I.T.D. 1370-1903), that the said Rebecca L. Laughlin, Alice A. Laughlin, Stella E. Laughlin, Havilah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles P. Laughlin, Harold P. Laughlin and Helen C. Laughlin, should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of the Act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

this 10th day of June



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 25, 1903.

In the matter of the application of Levi C. Flint for the enrollment of himself as a citizen of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by adoption of the Cherokee Nation.

Applicants represented by William Henry White, 416 Fifth Street Northwest, Washington, D. C.; Cherokee Nation represented by W. W. Hastings.

Levi C. Flint, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name, age and postoffice? A Levi C. Flint, post-office Seneca, Missouri, and my age is 69 years old.
- Q You are a Shawnee by blood? A Yes.
- Q Is Mrs. Flint also? A No, she is an Omaha by blood.
- Q What blood? A Omaha.
- Q Where were you married? A Married in Kansas.
- Q About when? A 1853, November or 1853.
- Q Were you living in Kansas in 1869? A Yes.
- Q Did you come to the Cherokee Nation with the Shawnees? A Yes.
- Q When? A In 1871.
- Q Before June 7th? A Yes, before June 7th.
- Q What members of your family also came? A I would have to study that out as I had a big family. They were all enrolled. They will be found on the register.
- Q Did all the family come? A Yes, they all came.
- Q What did you do to earn a living when you came? A Why, I tried to farm while I was here part of the time and part of the time I worked at my trade, blacksmithing.
- Q How long did you remain in the Cherokee Nation, until when? A I remained here until the fall of '74.
- Q How did you come to leave the nation? A Why, I got an invitation from H. W. Jones, United States Indian Agent, to go to the Quapaw Agency to take charge of the Government shop there. That is how I came to leave here. I thought I could do better over there.
- Q Did you leave any property in the nation? A Yes, I had a little property in the nation.
- Q What? A I had a good house for one thing; a little improvement in the way of a farm, a little ground fenced up, eight or ten acres.
- Q Any stock? A Well, a cow and a calf. I didn't have no other stock because my stock died off before I left here.
- Q Was it a team of horses? A It was a team of horses and the other one was a team of mules.
- Q Did the death of the two teams have anything to do with your leaving? A Why, certainly, I couldn't do anything without a team. I was trying to open up a place.
- Q It then caused you to quit farming? A Yes.
- Q What was the value of the house? A Well, the house was put up for \$400.00; - I paid \$200.00 for it.
- Q Did you leave any farming implements? A Well, at the time I left I didn't have anything but some plow and a harrow.
- Q Did you leave them in the nation? A Yes.
- Q With whom did you leave the cow and calf? A I left them with John Weaver.

Q When you went to the Quapaw Agency did you intend to return to the Cherokee Nation or not? A Why, certainly; I applied to the Council to be reinstated not a year after I was discharged from the United States service. I was reinstated, but then I neglected to move back in the required time, and I had to apply again.

Q In 1896 did you appear before the Council? A That was the second time I made the application. The first time was '79 or '80.

Q You were enrolled in 1896? A I took for granted I was enrolled; I didn't stay to see it done. Mr. Lamar that was conducting the case for me showed me that I was reinstated, that I didn't trouble myself any further, I was in a hurry to get back home. I didn't stay to see that I was put on the roll.

By Mr. Hastings: The Cherokee Nation objects to the witness testifying that he was reinstated unless it is the intention of counsel for the applicant to produce a record evidence to substantiate it, which is the best evidence in the case, if it be a fact that he was reinstated this second time as he testifies.

By the Commission: Objection noted.

Q Did you and your wife receive shares of the strip money in '86? A I received money only once since I was there, since I was cut of the nation, and I don't remember whether it was strip money or other money; it was just one time. It was on the roll that was made by Wallace.

Q How much did you receive? A I didn't charge my memory with the amount.

Q About how many years ago? A I can't remember now.

Q When did you secure the farm you now hold? A It was directly after I was reinstated, I don't remember exactly.

Q Have your wife and daughter, Gertrude, an interest in this farm?

A Why, yes.

Examination by W. W. Hastings.

Q What became of the house and improvements you owned when you left the Cherokee Nation in 1874? A I don't know what Johnson Thompson-- what disposition he made of them; I understood afterwards that one of the Landrums got it.

Q You never owned it any longer?

By Mr. White: Object to the question as calling for opinion of law.

By the Commission: Objection noted.

A I thought I owned it as long as it was in Thompson's care, but I don't know what disposition he made of it afterwards.

Q Whose care did you leave it in? A Old Johnson Thompson.

Q After 1874 when did you next see the improvements, if at all?

By Mr. White: Objected to as immaterial.

By the Commission: Objection noted.

A Well, I passed through one time and I saw it was all gone back to state of nature. The house was gone away.

Q When was that you passed through, as you say? A In '83 or '77, I don't remember.

S-Levi G. Flint et al.

Q What became of this cow and calf you left there with Weaver in 1874, are they living yet?

By Mr. White: Object to the question that it is frivolous.

By Commission: Objection noted.

A John Weaver kept them until they became quite a bunch of them when I sold the whole bunch to him.

Q When did you sell them to Weaver? A I don't remember what year it was.

Q As near as you can remember? A In '77 or '78, I don't remember the exact date.

Q After 1877 or '78 did you own any improvements or any personal property in the Cherokee Nation before you acquired your present improvements? A No.

Q When did you acquire your present improvements? A I don't remember how long now. It was after I was reinstated by the Council; I got the improvements on the strength of being reinstated; I thought I would hold my rights on that account. I was reinstated in '86, I think.

Q You think in 1886, is that what you say? A I think it was.

Q When were you first reinstated after 1874? A It has been so long, - in '79 or '80, I don't remember now which exactly.

Q Where were you then living? A I was living at Seneca.

Q Missouri? A Yes sir.

Q Were you required to remove to the Cherokee Nation? A

By Mr. White: Object to the question as calling for a conclusion of law.

By the Commission: Objection noted.

A No, there wasn't anything said about my moving back right away.

Q Was anything said at all?

By Mr. White: Object to the question as immaterial, as being hearsay.

By the Commission: Objection noted.

A Nothing said about it. Come to remember now, Woodall, the man that reported ---I wasn't present at the Council but Woodall told me that there was no limitation set, I could move back whenever I felt like it; that was from Woodall, he was a member of the Senate.

By Mr. White: We wish to withdraw the objections of the last two questions.

Q Why did you state in your direct statement that you were reinstated upon conditions? A

By Mr. White: I object to that as not properly putting the testimony of the witness.

By the Commission: Objection noted.

A I don't remember of making any such statement.

Q Did you ever get any act of Council reinstating you?

By Mr. White: Objected to as calling for secondary evidence.

By Mr. Hastings: The Cherokee Nation desires to answer this objection by stating that if this man was reinstated it would have

4-Levi C. Flint et al.

to be by an act of the National Council or an act of some Commission having authority to do the same, and the written evidence of that is the best evidence of that fact and not secondary.

A Do you mean did I get a copy of it?

Q Yes. A No, I never did; it was all verbal.

Q When do you claim to have been reinstated? A The first or second time? I was reinstated twice.

Q The first time? A It has been so long ago; I said it was either in '79 or '80, but I think it was '80 though.

Q How do you know you were reinstated? Did you ever see any decision of any Court or any act of Council reinstating you? A No, I never did; all that I know was that Mr. Woodall, he was the chairman of the Committee, and he told me about my case; he came to Seneca and reported it to me.

Q Then all you know is just what Woodall told you? A That is all. I suppose though it is a matter of record.

Q When do you claim to have been reinstated the second time? A I think it was in the fall of '96.

Q What authority reinstated you? A Why, the Cherokee Council to be sure.

Q Did you ever see a copy of an act of the Cherokee Council reinstating you? A No.

Q You only drew money one time and that was when Mr. Wallace made a roll, is that correct? A Yes, that is correct.

Q Was that in 1889 or 1890 or 1891? A I think it was in '90, I reckon it was, the agent gave me a notice for this payment and I wrote and inquired of him particulars whether I was entitled. I had drawn money before that, a year or two before that, and he said it was the same money that he had paid out, that he had paid out in the first payment; I reckon it must have been '90.

By W. W. Hastings: I will ask the Commission right here to make a note from its record when this Wallace payment was made. I will ask them to place in the record as to when the Wallace roll was made.

By the Commission: It appears from the records of the Commission that the Wallace Roll referred to by the applicant was made in the year 1889 and the payment of that roll was made about 1890 or 1891.

Q How long have you lived in Seneca, Missouri? A I moved in there in '79.

Q What are you doing there? A I am working at my trade, blacksmithing.

Q Have you a house there? A Yes.

Q When did you purchase it? A Just about '95, I guess.

Q Did you own one in Seneca before that? A Before this one I bought in '95?

Q Before 1895? A No; I was renting all that time.

Q Where is your daughter Gertrude? A She is at home at present, taking care of her mother.

Q How much farm have you in the Cherokee Nation, how many acres inclosed? A I expect in the neighborhood of from 150 to 200 acres. I was getting a rental of \$150.00 a year until this trouble come.

Examination by the Commission.

Q What authority did you give Thompson with reference to the disposition of your house? A I didn't give him any authority direct. I owed him a little store bill and I understood he disposed of it and got his pay out of that.

Q Who was Mr. Lamar who told you that you were reinstated the second time? A Mr. Lamar was a member of the Council.



5-Levi G. Flint et al.

Q In what way did you keep up your connection with the Cherokee people from the time you went out up to the time you acquired your present improvements? A That was the only way I tried to keep up my connection with them was to come back and was reinstated; when the limit was passed I come back and was reinstated so as to be ready any time to move in whenever I got ready.

Q Of what do your present improvements consist and how did you acquire them; where are they located? A Well, I just answered that question, part of it anyhow.

Q How did you acquire them? A Farm-buildings --.

Q How did you acquire them and where are they located? A I acquired them by purchase. They are located about three miles north of Afton, in Delaware District.

Q Have you voted at elections in Missouri during your residence there? A Yes.

Q How often? A Why, I voted,-- I don't know exactly how often, nearly at every election though with the exception of the first three or four years.

The names of the applicant as Levi Flint and his wife as Stella O. Flint appear on the Cherokee-Shawnee pay-roll of 1896 at Nos. 344 and 345, but the roll does not show that the money was paid.

By Mr. White: That also on this book some of the places are indicated as paid while some are blank, and at this particular one there is a blue check. There is no indication showing what the blue check would indicate.

#### Examination by Mr. White.

Q You have also voted in the Cherokee Nation? A Why, they wouldn't let me do that while I was outside. Judge McKee told me particularly I hadn't no right to vote in the Cherokee Nation while I was outside. I never offered to vote. I thought if that was the rule I wouldn't offer to vote.

By the Commission: The applicant is so deaf that the questions had to be submitted to him in writing.

Charles B. Laughlin, being duly sworn, and examined by applicant's attorney, William Henry White, testified as follows:

Q What is your name, age and postoffice? A Charles B. Laughlin, Seneca, Missouri, and I am fifty-one years old.

Q You are the son-in-law of Levi G. Flint? A Yes sir.

Q Please give me the names of the children of Levi G. Flint and Stella A. Flint, his wife? A George L. Flint is the oldest; then Mrs. Browning, or Sarah E.; then Rebecca L. Laughlin, my wife; Mrs. Lydia Spencer and Gertrude Flint.

Q Gertrude is unmarried? A Yes sir, she is single.

Q Mrs. Browning is dead, is she not? A Yes sir, she is dead at the present time. She has been dead four or five years.

Q How many children did she leave? A Three children.

Q They are all minors? A Yes sir, all minors.

Q Is George Flint married? A Yes sir.

Q Has he any children? A No sir.

Q And Mrs. Spencer has how many children? A She has three children.

Q All minors? A Yes sir, all minors.

Q And you have how many? A Nine; they are all minors except two; they just recently became of age.

Q They were minors when the application was made? A Yes sir, they were minors at the time of the application.

Q Are all of these children whom you have mentioned living? A Yes sir.

6-Levi C. Flint et al.

Q Are you familiar with the facts as to Levi C. Flint and Stella A. and Gertrude A. Flint's purchase of improvements in the Cherokee Nation? A Yes sir.

Q When was that made? A That was made in 1896, their present improvements.

Q Where did they get the money to purchase that? A They got it from what is known as the strip payment.

Q Do you know certainly that they received that strip payment? A I do, yes sir; they received that.

Q Did somebody else receive the money for them? A Why, they received the part paid by the United States Government themselves, the adults received their own money, but the part of the Cherokee part I drew that for them under a power of attorney for George L., for Levi and his wife and Mrs. Spencer.

Q Mr. Flint has testified here that he didn't receive the strip payment money; he then is mistaken about that? A How is that, that he didn't receive it? If he didn't he must be mistaken or I am, one or the other.

Q Do you know what use was made of the money? A The money was paid out for these improvements I know; he got the money, but whether he collected this individually I couldn't say or not. It was collected, I couldn't say whether it was him or his wife, but they got the money I know that.

Q He has not sold these improvements which he purchased? A No sir.

Q Have his wife and Gertrude interests in these improvements or not? A Yes sir.

Q Do I understand you to say that the money received by all three of them was used in the purchase of this place? A Yes sir, that is they used their money in common and they paid for it in common.

Q And they treated the rents in the same way? A Yessir, the rents in the same way.

Q You are acquainted with Mrs. Lydia K. Spencer, the daughter of Levi C. Flint? A Yes sir.

Q She is your wife's sister? A Yes sir.

Q Where was she educated? A After she first got her common school education mostly in Seneca, Missouri, and then after that I wouldn't pretend to say how old she was, she was then sent to Carlisle, Pennsylvania, the Indian school there.

Q How long did she remain there? A She was there five years. She completed her course in 1892.

Q Do you know when she was born? A Well, she was born about 1871, the early part of it. I forget whether it was February or January.

Q And then when she returned from school she must have been about twenty-one years of age? A Yes, about that.

Q Then if she remained at school five years she must have left for that school when she was about sixteen years of age? A Yes, that is the way it would figure out, about sixteen years of age; she was about that.

Q When was she married? A She was married in November, of '92.

Q Of the year she returned? A The same year.

Q How long did her husband live? A He was killed on the 8th of July, 1900.

Q They lived as husband and wife until his death? A Yes sir.

Q What is Mrs. Spencer's present employment? A I don't know exactly what the government terms it. They call her little boys' matron.

Q Where? A At the school, in the Indian school, Wyandotte. At the Wyandotte Indian School.

Q She is in the government employ there? A Yes sir.

Q How long has she been so employed, since before her husband's death? A Yes sir, before her husband's death. I aint sure but I think it was in 1899 she was employed.

7-Levi G. Flint et al.

Q You do remember that her employment began before her husband's death? A Yes sir, she was in the government employ then.

Mr. White: We offer a statement of the Superintendent and United States Indian Agent, Wyandotte, Indian Territory, as to the term of service of Mrs. Lydia K. Spencer.

~~E. V. Hastings: The Cherokee Nation has no objection except that it is immaterial.~~

Commission: The document will be offered in evidence and made a part of the record in this case.

Q Has Mrs. Spencer any improvements in the Cherokee Nation? A Well, yes, sir.

Q When did she acquire them, if you know? A I think she acquired them about the same time as the rest; I know they were all getting it the same time.

Q What year was that? A In '96, possibly a year later, '96 or '7. I will say, however, she had it, - I don't know whether that would count for any property, she had a town lot in Fairland, I don't know whether that is counted; she had a town lot in Fairland in '93.

Q How many acres has she under fence? A About two hundred; that is as near as we can come at it.

Q Has she sold any part of her improvements? A No sir.

Q Mrs. Rebecca L. Laughlin is your wife? A Yes sir.

Q Where were you married? A Seneca, Missouri.

Q When? A The fifteenth of March, '82.

Q How old was your wife at the time of your marriage? A Eighteen; she was married on her eighteenth birthday.

Q Was she employed before her marriage? A Yes sir, she had been employed in the Indian service at this same Wyandotte-Seneca-Shawnee school.

Q Was she in the employ of the United States Government? A Yes sir.

Q Until the time of your marriage? A Yes sir, up within two or three weeks; she resigned two or three weeks before the marriage.

Q She has been living with you as your wife ever since? A Yes sir.

Q Has she improvements in the Cherokee Nation? A She has, yes sir.

Q When did she acquire them? A In 1893.

Q How many acres of land has she under fence? A About four hundred.

Q Has she sold any part of the same? A No sir.

Q Did she and your children draw the strip money? A Yes sir.

Q Was any part of this money used in purchasing improvements in the Cherokee Nation? A It was.

Q Where were your two oldest children born, her two oldest children also? A In the Quapaw Agency; it was in the Peoria reservation, but it was under the jurisdiction of the Quapaw Agency.

Q Do you know whether or not Mrs. Spencer received her pro rata share of the strip money? A Yes sir.

Q Do you know whether or not she used this money for the purchase of improvements in the nation? A Yes sir.

Q Your wife is the daughter of Levi G. Flint and Stella A. Flint? A Yes sir.

Q When were Mr. and Mrs. Preston G. Browning married? A They were married in 1885, in October; I couldn't tell you the exact date further than the month.

8-Levi G. Flint et al.

Q Do you know whether or not they acquired any improvements in the Cherokee Nation? A Yes sir.

Q When first? A Well, as near as I can arrive at the date it must have been in the -----they commenced improvements in the fall of '85, in the fall and winter.

Q What improvements were they? A They had one hundred acres at that time.

Q Was the house built on that improvement? A The house was built on that improvement.

Q When, if you remember? A I can't tell the exact date of that, further than this, it was the latter part of that winter which must have made it early in '86; I am arriving at that date, you understand, by a hardware bill I came across. Of course, I looked it up.

Q At the time of Mrs. Browning's death how many acres did she and her husband have improved in the Cherokee Nation? A They estimate that they had eight hundred acres; further than that I don't know, only what they said; they estimated that there were improved eight hundred.

Q Have you seen this tract of land? A Yes sir.

Q What is your estimate on that? A It wouldn't be far off, I would say from 700 to 800.

Q All under fence? A Yes sir.

Q Any other property? A You mean for Brownings?

Q Yes? A Yes, they had interests in lumber yards in the territory.

Q Did Mrs. Browning and her children secure a pro rata share of the strip payment? A Yes sir.

Q Do you know what was done with that money? A No, I don't, further than they told me that it went into his business.

Q What business? A The lumber business.

Q Where? A Well, I suppose in the yards.

Q Where were they? A They were living in Seneca.

Q Where were the yards? A They were in the territory here.

Q Where in the territory? A Do you mean the present time or different times?

Q Different times? A At one time they had one at Prairie City, now called Ogeeshee, but that was discontinued. They have one at Fairland.

Q They have now? A Yes sir, they have now; one at Vinita, one at Chelsea and one at Grove. They had one at Adair, but that was afterwards abandoned; they put it with one of their other yards. They also had one at Oatoosa, that was afterwards consolidated with one of their other yards.

Examination by W. W. Hastings.

Q Mr. Laughling, where were you married? A Seneca, Missouri.

Q Where do you live at present? A I live at Seneca.

Q I believe you say you have nine children? A Yes sir.

Q All but the first two were born in Seneca? A Yes sir, all but the first two, they were born in Missouri; they were born in Seneca, yes, all of them.

Mr. White: All of them but the first two? A Yes, I was answering his question.

Mr. Hastings: How old is your third child? A The oldest one that is a minor?

Q Yes? A She is seventeen, will be eighteen next birthday, next month.



9-Levi G. Flint et al.

- Q What is your business at Seneca? A I am in the grain business.
- Q How long have you been in that business? A Well, to sum up all the time I have been in it, I have been in it right at fourteen years, close to it.
- Q Do you own a home there? A I own one myself.
- Q You are a white man yourself? A Yes sir.
- Q Citizen of the United States? A Yes.
- Q You don't claim citizenship here? A No sir, I have made no claim to citizenship.
- Q Where does George Flint live, your wife's brother? A He now lives in the Ottawa reservation in the Quapaw Agency.
- Q How long has he lived there? A Three or four months.
- Q Where did he move from? A Seneca. I mean he has been up there about two months.
- Q How long had he lived in Seneca, Missouri, prior to his removal there? A I couldn't hardly say about that, I can't remember the exact date. Well, if you will allow guess work I would say ten or twelve years.
- Q Where was he married? A The last time in Wyoming. He has been married twice.
- Q Where was he married the first time? A The Ottawa Nation, Quapaw Agency.
- Q You haven't mentioned George Flint as owning any improvements in the Cherokee Nation? A Not that I know of.
- Q Now Mr. Laughlin, I want to ask you when you became personally acquainted with Mrs. Browning owning improvements in the Cherokee Nation, she is dead now, but when did you first know of your own personal knowledge? A When we went in.
- Q When was that? A That was about the fall of '85.
- Q Were you upon those improvements at that time? A No sir, I just got this from conversation with Mrs. Browning and Mr. Browning.
- Q When did you first see their improvements? A I couldn't say.
- Q Have you ever seen them? A Oh, yes.
- Q When first? A That is coming down pretty close, - I couldn't tell you exactly when, but it must have been about some place from '88 to '90.
- Q Are these the same improvements that you claim there also, namely their children own now? A Yes sir.
- Q I believe you said your wife purchased, or you for her, improvements in about '93? A Yes sir.
- Q Where are those? A They are north of Afton, about five miles.
- Q Who did you purchase them of? A I purchased them of P. G. Browning.
- Q Part of the same improvements he had made? A They are part of the improvements. This first improvements that he made, this eight hundred acres is outside of the improvements I purchased of him.
- Q Where was Browning and his wife married? A They were married in Delaware District, at the Clerk's office.
- Q Where was Mr. Browning living at the time? A His home was in Seneca at that time.
- Q What was his business at that time? A Well, I think he was in the saloon business at that time.
- Q He has always maintained since that time some kind of business in Seneca, hasn't he? A Yes sir.
- Q Does he own a home there? A Yes sir.
- Q Well, you speak of his being interested in some lumber yards before in the Cherokee Nation. Did he also have one in Seneca, Missouri? A He had an interest in one at Seneca.
- Q Did he own these in the Cherokee Nation or did he have an interest in them? A I don't know as to that; that is part of his private business, as far as he owning the whole business I couldn't say about that. It is understood that they are his lumber yards, that is as far as I know.

Q Mr. Browning's wife died, I believe you said, three or four years ago? A Yes, it is longer than that, I suppose.

Q About how long? A It must be about five years.

Q Since that time he remarried, didn't he? A Yes sir, he remarried since.

Q Do you know about when he married the last time? His last wife was a white woman? A Yes sir.

Q He married her some time prior to the first of last September?

A Yes sir, he married prior to September 1, 1902.

Q Where was he living at the time he died? A Seneca.

Q His children living there with him? A Yes sir.

Q Where did his first wife die? A She died in Seneca.

Q Now, after their marriage in 1883, up until each of them died, they lived in Seneca, Missouri, with their family, their children?

A Yes sir.

Q All of their children were born there? A Yes sir.

Q I mean Browning? A Yes sir.

Q Since before the birth of your oldest minor child you and your wife have also lived in Seneca, Missouri? A Yes sir, not continuously either for there was one year I spent in the territory in the government service, about '90.

Q In the Quapaw Agency? A Yes sir.

Q With that exception of one year you lived in Seneca, Missouri?

A One year or a year and a half, yes sir.

Q Now, is Mrs. Spencer living, I have forgotten? A Yes sir.

Q Where does she live? A She is at work in the Wyandotte Indian School.

Q She has been at work there according to that latter, since August, '99? A Yes sir, I think it was August, '99.

Q Prior to that time where did she live with her husband? A Seneca.

Q Her father and mother were living in Seneca, Missouri, while she was off at Carlyle at school? A Yes sir.

Q They were living there at the time of her marriage? A Yes sir.

Q And subsequent to her marriage she continued to live there until her employment in the Government school in '99, is that true? A Yes sir.

Q I believe you say, her husband was killed in 1900? A Yes sir.

Q Was he a citizen of the United States? A Yes sir.

Q Did they own a home in Seneca? A No sir.

Q What was his business? A He was a traveling man; he was collector for the Deering Harvesting Machine Company part of the year, and part of the year for the Dowagiac Drill Co.

Q Where is Gertrude Flint? A She is at home at present. She is with her father and mother.

Q Has she made that her home all the time? A Yes sir, she has made that her home.

Q Has she been out in the states, away from there? A Yes sir.

Q Where? A She took a course at Carlyle Institute, - I mean Haskell Institute, Lawrence, and when she completed she was employed there one year, and two years she has been employed at Fond du lac, Wisconsin, at the Indian school, and she would have been there yet if it hadn't been for the health of her mother.

Q Her father and mother lived in Seneca, Missouri, and that was her home? A Yes sir.

Q When did this George Flint go to Wyoming? A I don't know.

Q Did you know him when you were married? A Yes sir.

Q Where was he then? A He was in the Ottawa Nation.

Q How long did he stay there after your marriage? A He was there until his wife died, I don't know just what year, but she died probably about two years after I was married.

Q And how long was it before he went to Wyoming? A A good long time after that, I couldn't say how many years. He worked around in that country about as long as I stayed in the Quapaw Agency, he worked around in the Peoria Nation.

11-Levi C. Flint et al.

Q When did you leave the Quapaw Agency? A In '84 the first time; and then after that he stayed there at what is called the Quapaw Mission School for some time; he was employed there for two or three years anyway.

Q Mr. Laughlin, do you know personally about the purchase of this improvement by Levi Flint and his wife and his daughter, Gertrude?

A Yes sir.

Q Were you present? A I made out the contract.

Q From whom did they purchase it? A From P. G. Browning.

Q Their son-in-law? A Yes sir.

Q Did he give them a written contract? A Yes sir.

Q A Bill of Sale? A It wasn't exactly a Bill of Sale; it was a note in the shape of a contract and that note was redeemed and they got the payment.

Q How do you know? A From the fact that Browning told me so himself.

Q Do you know it personally? A I know it that way. He told me personally that the note had been paid, I didn't see it. I took his word for it.

Q You told me personally about it too? A Yes.

Q Were you ever on this land that these people purchased? A Yes sir.

Examination by the Commission.

Q When did you first get acquainted with Levi C. Flint? A In 1879.

Q Where was he then? A In the Quapaw Agency.

Q And you have known him ever since? A Yes sir.

Q Was he ever employed by the United States Government? A He was employed and was let out when I came there. There was several employees let out at the same time.

Q What was he doing? A A blacksmith.

Q Where? A At the Quapaw Agency.

Q He hasn't been employed in the United States Government then since 1879? A No sir.

Q Now, you say George L. Flint doesn't own any property in the Cherokee Nation? A No sir, not that I know of.

Q He hasn't lived in the Cherokee Nation since he went out with his father? A I couldn't say about that, any further than he has said he was in the Cherokee Nation about a year afterwards, and I don't know what year it was or where; I just have that from a conversation with him.

Q Now, you say that Preston G. Browning has lived in Missouri ever since his marriage? A Yes sir.

Q Does he rent his farm that he has here? A Yes sir.

Q He first acquired these improvements about '85 or '86? A About '85, I think it was in the fall of '85.

Q Have they owned them ever since that time? A Yes sir, with the exception of what I bought from them. The improvements that he claims now he owned them ever since.

Q You bought yours when? A In '93.

Q That is for your wife? A Yes sir.

Q And children? A Yes.

Q Have you rented them out since that time? A Yes sir.

Q Your wife has never lived in the Cherokee Nation since she left with her father? A No sir.

-13-Levi G. Flint et al.

Q And Gertrude F. Flint has never lived in the Cherokee Nation at all, has she? A No sir.

Q Now, when did you say that Mrs. Spencer acquired her improvements?

A Well, about 1896.

Q The same time as her father? A Yes sir.

Q They rented them also? A Yes sir.

Q She has never lived in the Cherokee Nation since she left with her father? A No sir.

Q Now, none of these applicants have allotments up in the Quapaw Agency, or any of these agencies? A They have no allotments any place.

Examination by Mr. White.

Q The school which Mrs. Spencer attended at Carlisle, Pennsylvania, was the Indian school at that place? A Yes sir.

Q It is conducted under the United States Government? A Yes sir.

Q Her husband at the time of his death was in what employment?

A He was a private in the United States Army.

Q Does she draw a pension for his death? A Yes sir.

Q Was Gertrude a minor when she began attending the United States Indian school at Haskell; was she under eighteen years of age? A I am not sure about that; I guess she was over eighteen when she went there.

Q Can you fix the date of her birth? A In 1878.

Q And when did she go as a student, I mean to that school? A It is five years ago, I think since she went.

Q Didn't I understand you to say she was educated there? A She just took a normal course there for teaching; most of her education was received at Seneca.

Q Preston G. Browning is dead, is he not? A Yes sir.

Q When did he die? A The ninth of February, 1903.

Q How many acres are embraced within the improvements owned by Mrs. Laughlin? A About four hundred.

Q And by Mrs. Spencer? A By Mrs. Spencer about two hundred, I think. These are estimates we have to arrive at by a general knowledge of the outlines. You see these improvements don't occupy certain forties, some run on one forty and some on the other. But it is close to two hundred acres.

Q And how many, Levi G. Flint, Stella A. Flint and Gertrude, in their tract? A About one hundred and sixty as near as we can come at it.

Examination by Mr. Hastings.

Q Mr. Laughlin, were you present when Mr. Levi G. Flint drew any of the Cherokee strip money? A No sir, I wasn't present when he drew it.

Q Then what you stated about his drawing is from information you have received from others? A Yes sir, nothing than they had the money to use.

Q You didn't draw it yourself? A No sir.

Examination by the Commission.

Q You drew money for some of these parties? A My wife drew for herself and children.

Q Did you draw for any others? A I drew for all of them when the Cherokee paid their part.

Q That was for all of them? A Yes sir.

Q You mean for Levi G. Flint, his wife and all his children? A Yes sir, and even George Flint.

13-Levi C. Flint et al.

Q And for Mrs. Spencer and her children? A Yes sir.  
Q And for Mrs. Browning's children? A Yes sir, Mrs. Browning and her children.  
Q And for your wife and your children? A Yes sir.  
Q Do you remember how much was paid to you? A No, I don't remember exactly, but it was the balance, whatever the balance was the Cherokees were paying.  
Q Something like fifty dollars a piece? A Yes sir.  
Q Where did you draw that money? A At Vinita.  
Q In '96? A I think it was in '98.  
Q Who paid it to you, do you know? A The Cherokee treasurer; I believe his name was Lipe.  
Q D. W. Lipe? A I don't know his initials; he was the Cherokee treasurer.

H. C. Miller, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A H. C. Miller.  
Q You live at Seneca? A Yes sir.  
Q What business are you in? A I am in the lumber business.  
Q You were associated with Mr. Preston G. Browning in that business at the time of his death? A Yes sir.  
Q Which occurred when? A The tenth of February.  
Q This year? A Yes sir, this year.  
Q Do you know whether or not Mrs. Browning and her children received their share of the payment, of the strip payment? A Yes sir.  
Q Do you know what became of that money? A Well, they invested it in the lumber business.  
Q Do you know when Mr. and Mrs. Browning first began making improvements in the Cherokee Nation? A Why, they established a lumber business at Prairie City in '85.  
Q When the next lumber yard? A The next lumber yard was at Chelsea in '87.  
Q And the next? A At Vinita, in '97.  
Q And the next? A And at Adair shortly after that.  
Q And the next? A Catoosa, along about a year after that.  
Q Is that all? A Then at Fairland in '91, and at Grove in '99.  
Q Is that all? A Yes sir, that is all the lumber yards.  
Q Then as to the farm? A He built his house in the winter of '85 and '86.  
Q Do you know how many acres he first had under fence? A No, I don't know how many acres he had.  
Q Do you know how many they had at the time of her death? A No, only by hearsay.  
Q Do you know whether or not they sold these improvements? A No, they haven't sold the improvements because I know that Mr. Browning was talking about that a short time before his death.

Examination by Mr. Hastings.

Q When did he discontinue the business at Prairie City? A Well, I don't remember exactly, but it was to the best of my recollection about a year or a year and a half.  
Q After it was established? A Yes sir.



14-Levi C. Flint et al.

Q When was it discontinued at Chelsea? A It never was discontinued there.

Q It is a firm business in which Mr. Browning had some interest?

A Yes, he established the business.

Q It was run in his name and he had some interest? A Yes sir.

Q In the Cherokee Nation you run it here in his name? A Yes sir.

Q He just had an interest in the business? A We had an interest in the business. You might construe it in there, he superintended the business.

Q Did he have an interest in the business? A Yes sir.

Q Any financial business interest in the business? A Yes, I couldn't tell you how much.

Q Why can't you? A I loaned Mr. Browning some money when he first went into the business and he had money from one other party that I know of, and I couldn't say.

Q Well, that is all over now, can't you tell what interest he had in this business, if any, what financial interest? A Well, because I don't know. I couldn't tell that exactly. I could tell what I let him have.

Q How much did you let him have? A In the first place about \$1800.00.

Q You never saw his farm or anything? A I was on his farm once.

Q When? A It has been several years ago. I don't remember, it was as much as eight years ago.

Q That was the only time you were ever on it? A Yes sir.

Q And all the rest you state is what he told you or others told you? A Yes, you might say that to a certain extent. Yes, I know all about his building a house, his lumber and a carload of posts that he bought.

Cyrus C. Gornatzer, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A Cyrus C. Gornatzer.

Q And where do you live? A Vinita.

Q How long have you known Levi C. Flint and Stella A. Flint? A All my life.

Q How old are you? A About fifty years old.

Q You knew them in Kansas? A Yes sir.

Q They were recognized Shawnees there? A Yes sir.

Q Do you know when they came to the Cherokee Nation? A Yes sir, they came down in '71 when we all came down.

Q Before June 7th? A Yes sir.

Q Did you know them while they were in the nation? A Yes sir.

Q What did Mr. Flint do for a living when he first came to the Cherokee Nation? A Farming.

Q How long did he continue to farm? A Why, up until the time before he left up there. I think it was in '74 when he left.

Q Do you know what his financial condition was at that time? A He was like the rest of us, lost all his horses and quit farming.

By W. W. Hastings: Objected to by the Cherokee Nation on the grounds as being immaterial.

Q Do you know when he left the Cherokee Nation? A In the fall of '74.

Q What, if any property, did he leave in the Cherokee Nation when he left, that you know of? A He left a little place there.

A house and he had about — I don't know how much he did have in cultivation.

Q How much did he have fenced if you know? A I couldn't hardly say, I thought about ten or twelve acres.

15-Levi C. Flint et al.

Q He left the house behind? A Yes sir.

Q And the fences? A Yes sir.

Q Do you know of any other property that he left? A No, I don't know; I heard he left his cattle with Weaver, but I don't know; that is hearsay.

Examination by Mr. Hastings.

Q What became of his house and that little place that he owned?

A I don't know. I think Landrum bought the house.

Q You didn't know it had gone to Johnson Thompson for a store bill?

A I don't know.

Q Didn't Johnson Thompson afterwards have it in his possession?

A I don't know about that; I know Landrum bought the house, but I don't know who he bought it from.

Q Was the field improved, or wasn't the house burned up? A No, Landrum moved the house on his place.

Q Moved it away from this place? A Yes sir.

Q The place then that the house was on went back to the public domain? A I don't know, I don't recollect; he bought it.

Q You don't know how long afterwards? A Bill Davis owns the place now.

Q You don't know whether it first went back to public domain, or afterwards taken up, or how? A No sir, I don't know how it was disposed of. I moved away from them afterwards.

By Mr. White: Johnson Thompson is dead, is he not? A Yes sir, that is what I heard.

John Weaver, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name, John Weaver? A John Weaver.

Q Where do you live? A Vinita.

Q How long have you known Levi and Stella A. Flint? A About thirty-two years, I guess, about thirty-two or thirty-three; I have known them since '71.

Q You knew them when they came in from Kansas to the nation? A I knew them right afterwards.

Q You knew them while they lived in the nation? A Yes sir.

Q What was Mr. Flint doing for a living at that time; when he first came what did he do for a living? A He was trying to farm a little, I think.

Q Were you one of his neighbors? A Yes sir.

Q Did you visit his place often? A Yes sir.

Q How often? A About once a week.

Q Do you know why he quit farming? A I think his stock all died on him and his horses, and he didn't have anything to buy anymore to carry on his business.

Q They were at this time in bad financial condition, were they?

A Yes sir, I considered them so.

Q Do you know where he went from the Cherokee Nation? A He went up into one of those little agencies up there, I don't know which one.

Q What, if any, property did he leave in the Cherokee Nation when he left? A He left a house and a cow and a yearling.

Q He left the cow and the yearling with you, did he? A Yes sir.

Q What did you do with them? A I left them until they were increased to thirteen head and I bought them from him.



16-Levi G. Flint et al.

Q How long did that take? A It must have taken something like eight or ten years; it was so long I couldn't tell exactly how long it was.

Q Have you ever visited Flint and his wife at Seneca? A Yes sir.

Q Did you ever have a conversation with either of them in which they stated whether or not they intended to return to the Cherokee Nation? A No, I never had a conversation with them about that.

~~Q Not with Mrs. Flint? A No sir, I never did myself.~~

Q Well, who did? A I heard my wife had a conversation with the old lady about that.

Q It was in your presence then? A Yes sir, it was in my presence.

Q What, if anything, in that conversation did Mrs. Flint state in regard to her intention and her husband to return to the Cherokee Nation? A

By W.W.Hastings: Objected to by the Cherokee Nation because it is hearsay, because it is immaterial and because it is self serving.

By Commission: Objection will be noted.

By Mr. White: The evidence is offered as the best and only evidence of the intention of the party at the time.

By Mr. Hastings: The objection is made to this because the Cherokee Nation believes that the subsequent conduct of these people show that that intention was untrue.

A I heard my wife ask her when they were going to move back and she said they were trying to get ready to move back as quick as they could; that is all I heard said about it.

Q When was this? A Why, that has been about, I think eight or nine years ago.

Examination by Mr. Hastings.

Q They never did move back, did they? A No sir.

Q They still live in Seneca, Missouri? A Yes sir.

Q These people were very poor when they left the Cherokee Nation?

A Yes sir, I considered them very poor.

Q In needy circumstances? A Yes sir.

Q And still they left the only cow and calf they had with you?

A Yes sir.

Q Never had another cow and calf? A I don't know what they had after they left here; that was all they had when they left here though.

Q What became of that little place they were living on? A Well, sir, really I think it was moved off, I don't know.

Q Don't you know Thompson - Johnson Thompson - got it for a store debt? A I don't know, it was moved off.

Q Who took charge of it? A I couldn't say.

Q The house was moved off the place and gave up development? A Yes sir.

Q And reverted to public domain? A Yes sir.

Q And some one else afterwards settled on it? A Yes sir.

Q About how many rooms were in the house? A Two rooms, a frame house.

Q What was it worth? A I would judge at that time it would cost something like four hundred or five hundred dollars.

Q A two-room frame house? A Yes sir.

Q Was it painted? A I think it was.

Q Do you know? A I aint certain, but I think it was painted; it was a two-room house.

Q Don't you know there wasn't a painted house in this country in '71 or '8? A Yes, there was then.

Q How far was it from Vinita? A This old man Roger's place.

Q I aint asking you about that. I am asking how far from Vinita?

A It was twelve miles.

Q You lived adjoining it, did you? A Yes sir, right close to it.

Q You kept this cow eight or ten years? A Yes sir.

Q And then you bought it and paid him for it? A Yes sir.

Q And that is the end of it? A Yes sir.

Q Now this little place, this cow and calf was the only property he left there, was it? A Yes sir, that was all I knew he had.

Examination by the Commission.

Q When did you say this conversation took place? A This was in Seneca.

Q Eight or nine years ago? A Yes sir.

Q When he left this cow and calf with you did he say anything about coming back? A Yes sir, that was his intention.

Q What did he say? A He wanted me to keep the cow and calf until he come back.

Q What did he say to you? A Why he just simply told me to take the cow and calf until he come back, for me to take it for him, that was our understanding.

Q How much of a farm did he have there? A I think there was about eight or ten acres; that was a pretty good farm them days.

Q In cultivation was it? A Yes sir.

Q What time of the year did he move? A I think it was in the fall of the year.

Q Did he make any crops on the farm? A No sir, I don't think there was; I don't think there was any crop on it.

Q When was this house moved? A It was gone before I knowed it was gone hardly. But I rather think it was probably along in the spring of '75.

Q That was the year after they moved? A Yes sir, six months or a year afterwards.

Q Where did you buy these cattle from him, while he was in Seneca?

A No sir, I bought them right on my own place.

Q Did he come back? A Yes sir.

Q And sold them to you? A Yes sir.

Q Was that the time you had the conversation with him, - your wife had the conversation with his wife? A No sir.

Q Did he say anything at that time about coming back? A No, I didn't hear him say anything about it at that time, I don't believe, since he come down to see about the cattle.

Q Have you been up to his home at Seneca? A No sir, I haven't been up there.

Q Wasn't that where you had the conversation with him? A That was afterwards.

Q You have been up to Seneca? A Yes, I have been up there.

Q Has he got a farm there? A No sir, I haven't a farm there.

Q Has Flint got a place up there? A I couldn't say whether he has or not.

Q What does he do for a living? A He blacksmiths up there for a living.

18-Levi C. Flint et al.

Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days.

By Commission: Applicant will be allowed five days to present evidence of the readmission to citizenship of the applicants in these cases, if he so desires. The Cherokee Nation will likewise be allowed to introduce testimony that they were not reinstated.

By W. W. Hastings: The Cherokee Nation desires to offer in evidence Section 761 of the Compiled Laws of the Cherokee Nation found in the Compilation of 1892, pages 376 and 387, as follows:

"All improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place, for the term of one year, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall thenceforward be considered their lawful property; provided, nothing in this act shall be so construed as to impair the rights of orphans."

The Cherokee Nation offers in evidence Section 328 of the Compiled Laws of the Cherokee Nation of 1892, page 136 of the Compilation of 1892:

"Judgment shall not be rendered for the recovery of any improvement upon the public domain in any suit brought before the courts of this Nation, unless such suit be instituted, as required by law, within three years next after the time at which the right of bringing suit for the recovery thereof, or the cause of action shall have accrued to the person claiming the same, or to the person through whom he claims, saving to minors and persons 'non compos mentes,' the three years named above after the removal of their disabilities."

By Commission.

Applicant desires to have the testimony taken in this case filed and made a part of the record in the following cases: George L. Flint, Cherokee R-680; Gertrude F. Flint, Cherokee R-675; Lydia K. Spencer et al., Cherokee R-676; Preston G. Browning et al., Cherokee R-678, and Rebecca L. Laughlin et al., Cherokee R-677; and it is so ordered.

By Mr. White: I state that I have gone through the Executive Office of the Cherokee Nation where certain books were shown to me purporting to be acts of the Cherokee National Council for the years 1879 and 1880 and for the year 1896; that the Clerk in custody of those records states that they were the only records he had and I wish to object at this time to the introduction of any transcripts of those records, or to any certificate that as to whether what does or what does not appear of record for the following reasons: First, that the records bear upon their face the evidence of having been carelessly kept; second, that in some instances they purport to be signed by the various officials of the Cherokee National Council, but an inspection shows that the handwriting of all the signatures are the same, and they were therefore not signed by the officials them-

19-Levi G. Flint et al.

selves; third, nowhere in such records does it appear that the records contain all of the acts of the Cherokee National Council; fourth, there is no resolution of the Cherokee National Council showing that the records as kept contain all of the acts of the Cherokee National Council; fifth, in the absence of this matter of identification I will further object to the introduction of them unless the handwriting is proven; further, I am compelled to leave the city at once and consent that Mr. Hastings, for the Cherokee Nation, may introduce J. T. Parks, as a witness, who is the Executive Secretary, in my absence.

.....

Evidence taken on part of the Cherokee Nation on  
MAY 28, 1903.

Cherokee Nation represented by W. W. Hastings; No appearance of W. H. White, Applicant's Attorney.

Andrew B. Cunningham, being duly sworn and examined, testified as follows:

By W. W. Hastings: Your name is Andrew B. Cunningham? A Yes sir.

Q What is your age? A Thirty-two.

Q What is your postoffice? A Tahlequah.

Q What official position, if any, do you hold? A I am Assistant Executive Secretary of the Cherokee Nation.

Q Who is the Principal Executive Secretary? A J. T. Parks.

Q Is there another Assistant Executive Secretary in addition?

A Yes, J. L. Garrett.

Q Are you all three the custodian of the records of the Executive Department of the Cherokee Nation equally? A Yes.

Q I will ask you if Mr. Parks is present and in the town of Tahlequah at this time? A He is not.

Q When did he leave town? A He left town Tuesday noon.

Q Last Tuesday at noon? A Yes sir.

Q I will ask you if he is expected to be gone some days? A He told me he would be back about Sunday or Monday.

Q This coming Sunday or Monday? A Yes sir.

Q Where has he gone? A He went to his farm way up on the Missouri line. He went around by the way of Vinita with his family and he probably stopped there for a day or so; his wife and baby went with him.

Q Well, you have already stated that you are custodian of the records along with J. T. Parks and your other Assistant Executive Secretary of the records of the office of the Cherokee Nation? A Yes sir.

Q Are you the custodian of the acts of the Cherokee National Council? A Yes.

Q Mr. Cunningham, what has always been the practice, or how are the acts of the National Council kept after they are passed or enacted into law, are they transcribed in any books for preservation?

A Yes, the custom of the Cherokee government when an act is passed by the National Council and approved by the Chief it is turned over to the Secretary and transcribed into a book marked "Laws of the Cherokee Nation" from a certain date to a certain date. In many instances these original acts are returned to the



house in which they originated; I don't know where they are; there may be some old acts in the Senate safe or Council desks, but in many instances they were returned; that was the custom many years ago. We have some of them on file of late years.

Q Have you examined the original records of the Executive Department in which the acts of the National Council are kept for the years, say from 1875 to 1880 inclusive? A Yes, I examined the acts in that book. (Book presented before the Commission.)

Q Is this the book you present here? A Yes sir, we recognize this as the record of law from 1875 to 1880.

Q So far as you know does that contain all the law between those dates? A As far as I know it does, yes; that is all except 1880 and I have another record over there with the balance of '80.

Q Then it contains all the law from '75 to 1880 inclusive except a few in 1880 which is continued in another book? A Yes sir.

Q I will ask you if these records bear upon their face that they have been carelessly kept? A No, I don't think so. I think the records in those days were much better kept than they are at present.

Q I will ask you if any of the laws which are copied into these records which you present here to the Commission were ever signed by the Council officials, or were they copies in here by the Executive Secretary? A The Executive Secretary simply had one of his Assistants copy this act as approved by the Principal Chief, and all of those names were copied right off into a book, and in many instances these original acts were sent back to the Council. It used to be the custom to return them at once as soon as they were transcribed.

Q Well, these acts were compared with the original? A Yes, it was the custom for the Assistant to copy or transcribe an act and there was an Assistant there to compare it; that was the way we worked them things.

Q Do these records purport to contain all of the acts of the National Council between these dates of which you stated? A They do.

Q Was it ever regarded as necessary that the National Council pass a resolution certifying that these books were correct copies? A I never knew of anything like that, or of it deemed to be necessary.

Q Now you state that you examined these laws from 1875 to 1880 inclusive and also the acts of 1896. I will ask you if these records contain any act or resolution or action of the Cherokee National Council readmitting to citizenship or reinstating a Levi C. Flint to citizenship in the Cherokee Nation? A I have examined those records and fail to find any such record.

By Mr. Hastings: Here the Cherokee Nation tenders the original records testified of by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, to the Commission for inspection and for such remarks as the Commission might find necessary to make with reference whether or not they have been carelessly kept or whether or not they have been well preserved inasmuch as objection was made to them upon this ground by the attorney for the applicant in this case.

Q The record in this case shows that Levi C. Flint's wife's name was Stella A. Flint and they had children by the names of George Flint, Rebecca, Lydia K., Sarah E. and Gertrude. Rebecca afterwards married a man by the name of Laughlin; Lydia married a man by the name of Spencer, while Sarah E. married a man by the name of Preston G. Browning. I will ask you to examine the records of these dates above referred to and see whether or not they show that

21-Levi C. Flint et al.

any members of this family were admitted to citizenship or reinstated to citizenship in the Cherokee Nation? A I have examined these records from '75 to '80 and I find no record of any of those parties mentioned being admitted or readmitted. I find no records of admission of any of those parties in 1896, or '80, from '75 to '80 and 1896.

Q Well, you found no record of any of those parties being admitted at any time, but you examined those years particularly and you did not find them? A I examined those years and I find those parties not admitted. I examined the acts from 1875 to 1880 inclusive and the acts of 1896.

B<sup>y</sup> the Commission: The Cherokee printed list of persons admitted or readmitted to Cherokee citizenship by the National Council and Cherokee Commissions on citizenship in the year 1880 and since that year, which list is now in possession of this Commission, has been examined for the names of the applicants in these cases, and such examination fails to disclose any of the names of the applicants.

By W.W.Hastings: The representative of the Cherokee Nation here desires to answer the objection made by Counsel for the applicants and states that it is untrue that the records bear upon the face that they are carelessly kept, and said original records are hereby tendered to the Commission for its inspection, and we contend that the records show that they have been well preserved and that they have been carefully kept, that all of the laws were transcribed into them carefully, using good penmanship, and that they are properly indexed. And in answer to the second objection of counsel for the applicant it is not contended by the Cherokee Nation that these are the original acts of the National Council, but is explained by the witness on the stand that these records contain the acts of the National Council transcribed by the sworn officials of the Cherokee Nation into these books for safe preservation and only purport to be copies of the original acts. And in answer to the third objection it is contended that these books do purport to contain all of the acts of the Cherokee National Council and it is not shown by the applicants that any act of the National Council was ever passed during these dates that is not found in these books. In answer to the fourth objection it is contended that no resolution was necessary to be passed by the Cherokee National Council authenticating these acts and were transcribed under the supervision of the Principal Chief of the Cherokee Nation by sworn officers of the Cherokee Nation in whose custody they still are. In answer to the fifth objection that they are inadmissible unless the handwriting is proven, we say then that it would be necessary for all officials to live forever if that were true, because when he dies the record will die with him, and one of the main objects for keeping records is to preserve them after the death of the parties who made them.

.....

Re: Levi G. Flint et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

.....*E. Rothberger*.....

Subscribed and sworn to before me this 1st day of June, 1903.

.....*Samuel Foreman*.....  
Notary Public.





Cherokee D. 312.

Department of the Interior,  
Commission to the Five Civilized Tribes.

Tahlequah I. T. October 15th 1903.

In the Matter of the application for the enrollment of Rebecca  
L. Laughlin as citizens of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in the above entitled case and requests that the record be transmitted to the Honorable Secretary of the Interior for review.

Protest and Argument.

The testimony in this case shows that the applicant is a daughter of Levi C. Flint; that they came to the Cherokee nation and that their names appear upon the Shawnee register of 1871 but the testimony does not show as stated in the judgment that the applicant "Resided in the Cherokee Nation for several years after removal thereto with the Shawnees in 1871" but upon the other hand the testimony shows that her father left the Cherokee nation in 1874 or 1875 and has been a continuous non resident since that time. Neither does the testimony show as the judgment states that she has owned personal property in the Cherokee Nation during her residence in the state of Missouri. There is no warrant whatever in the testimony for these findings in the judgment; upon the other hand the testimony is quite clear that the small claim which the said Levi C. Flint the father of the applicant had upon the public domain in the Cherokee nation was abandoned and for years no ~~member~~ member of the family had any improvements upon the public domain in the Cherokee Nation or was the owner of any personal property within the limits of the Cherokee Nation but all of them with all of their families lived in the State of Missouri where they were residents; where they exercised the right of citizenship.

Upon a rehearing of his case before the Commission Levi C. Flint, who testified in his own behalf and whose testimony was made a part of the record in this case stated that he had no property within the limits of the Cherokee nation during a long number of years; that for more than twenty years he and the applicant were continuous residents of the state of Missouri where he had voted at all times during both congressional and presidential elections and he further stated that he ~~did~~ had not been permitted to vote in the Cherokee Nation because the Cherokee authorities told him that he was not a citizen and not entitled to vote.

We do not see any comparison whatever between these cases and the Yeargain cases as stated by the Commission. In the Yeargain cases these boys were upon every roll made by the Cherokees; were born within the limits of the Cherokee nation; were Cherokees by blood; they owned farms and personal property within the limits of the Cherokee Nation after reaching their majority; they voted at every Cherokee election; held various offices in the Cherokee nation; had always been recognized as citizens of the Cherokee nation and were when they made applications for enrollment as citizens of the Cherokee nation residing within a stone's throw across from the Cherokee line at a town where all Cherokees for miles around went to do their trading; they were in a general mercantile business at South West City Mo and at Grove I. T.. Upon the other hand in the case at bar the applicant and her father have been disconnected from the Cherokee nation or tribe for about thirty years. Neither applicants husband or her father have voted in the Cherokee nation during that period and have never in any way been identified with Cherokee affairs. They owned no farm upon the public domain of the Cherokee Nation except one that was abandoned and owned no personal property in the Cherokee nation., and we do not believe they are entitled to be enrolled,

respectfully,

*W. W. Hastings*  
Atty Cherokee nation

S. 16312.

1870

COMMISSIONERS.  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th

1902

Mrs. Rebecca L. Laughlin,  
Seneca, Missouri,

Madam:-

You are hereby notified that the application of..... yourself and seven  
minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the  
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the  
24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,  
when an opportunity will be given you to introduce any additional testimony affecting your applica-  
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same  
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-  
ment, but said Representatives will be required to notify you of their intention to introduce such  
testimony before they will be permitted to do so.

Yours truly,

CherokeeD-312

Register

Acting Chairman.

9

D312

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE CIVILIZED TRIBES.  
**FILED**  
FEB 21 1902

*[Handwritten signature]*

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mushoyee I. 2/21/02

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Rebecca L. Langkline et al. for enrollment as  
~~Members~~ of the Cherokee Nation. J

Langkline

S. S. Glover

No. 6 D. 312

Muskogee, Indian Territory, March 21, 1902.

S. S. Clover, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 17, enclosing certified copy of extracts from the Wallace roll and Dickson roll, which copies you desire filed with the applications for enrollment as citizens of the Cherokee Nation of Rebecca L. Laughlin et al, Cherokee D-312; Preston G. Browning et al, Cherokee D-314; Levi C. Flint, Cherokee D-315; George L. Flint, Cherokee D-316; Gertrude F. Flint, Cherokee D-318, Lydia K. Spencer, Cherokee D-311.

This paper is herewith returned to you and you are requested to have each extract from the roll certified to separately; the one certificate which you send can not be filed in six different cases.

Yours truly,

Commissioner in Charge.

Enc. 2-3

COPY.

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rebecca L. Laughlin, Alice A. Laughlin, Stella E. Laughlin, Haviiah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles H. Laughlin, Harold P. Laughlin and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(Signed). *Tams Dixby.*

Encl. C-4.

Acting Chairman.



Cher. D-312.

COPY.

Muskogee, Indian Territory, May 27, 1902.

Rebecca L. Laughlin,

Seneca, Missouri.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rebecca L. Laughlin, Alice A. Laughlin, Stella T. Laughlin, Navilah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles H. Laughlin, Harold P. Laughlin and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(Signed),

*Tamr Dixie*

Acting Chairman.

Encl. C-22.

COPY.

Muskogee, Indian Territory, May 27, 1902.

S. S. Clover,

Attorney at Law,

Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Rebecca L. Laughlin, Alice A. Laughlin, Stella E. Laughlin, Navilah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles H. Laughlin, Harold P. Laughlin and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

NEO *Tamc Dixby.*

Acting Chairman.

Encl. C-52.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Rebecca L. Laughlin for the enrollment of herself and children, Alice A. Laughlin, Stella E. Laughlin, Havilah Laughlin, Ellen E. Laughlin, Pamela A. Laughlin, Levi D. Laughlin, Charles H. Laughlin, Harold P. Laughlin, and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Encl. D-312.

Refer in reply to  
the following:  
Land  
31848--1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, June 16, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated May 27, 1902, forwarding for the Department's consideration the record relative to the application of Rebecca L. Laughlin for the enrollment of herself and her minor children Alice A., Stella E., Hevilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Hellen C. Laughlin as citizens of the Cherokee Nation. These parties claim to be of Shawnee Indian blood.

May 27, 1902, the Commission held that the applicants were not entitled to enrollment as Cherokees.

The record in the case shows that these applicants did not reside in the Cherokee Nation on June 28, 1898, and the office believes that the decision of the Commission is correct; that it should be approved, and it so recommends.

In connection with this report attention is invited to office report of even date relative to the application of Levi C. Flint.

Very respectfully,  
Your obedient servant,  
A. C. Tonner/  
Acting Commissioner.

G. A. W. (S)

D. C. No. 15415-1902.

55220

J. P.

L. R. S.

472

EAF.

ITD. 3786 & 5530-1902.  
5292-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Rebecca L. Laughlin for enrollment of herself and nine minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P., and Helen C. Laughlin, as citizens of the Cherokee Nation (by Shawnee blood), - D 312 - rejected by you May 27, 1902. The case was submitted with your letter of that date, and by the Acting Commissioner of Indian Affairs June 16, 1902.

Arguments have been filed by attorneys for claimants since the case reached the Department. The Department has, in its decisions heretofore rendered in other cases, disposed of the material questions discussed in such arguments, adverse to the contentions made.

It appears that the principal applicant was 36 years of age at the time of the application for enrollment, and has not resided in the Cherokee Nation since 1874. March 15, 1882, she was married to Charles B. Laughlin, a citizen of Kansas, and has lived in Missouri since 1884. Two of the children were born in the Indian Territory at the Quapaw Agency. Rebecca L. Laughlin's name does not appear on the 1880 Cherokee authenticated roll. Her name and those

of her children, except C. H., H. P. and H. C. Laughlin, appear upon various other rolls of the Cherokee Nation. The last mentioned children were born subsequent to the preparation of any of the rolls mentioned by you. None of the children was born in the Cherokee Nation. As none of the claimants had removed to the Indian Territory prior to June 28, 1898, you refused to enroll them because the act of that date (30, Stat., 495), provides that no person shall be enrolled who had not theretofore removed to and in good faith settled in the nation in which he claimed citizenship.

The Department has placed its interpretation upon this portion of said act in various decisions, and considers that, as it is particularly applicable to this case, your decision should be approved. It is accordingly hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

COPY.

Cherokee D 312.

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Rebecca L. Laughlin for the enrollment of herself and her nine minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.



Cherokee D 312.

Muskogee, Indian Territory, October 8, 1902.

S. S. Clover,

Attorney for Rebecca L. Laughlin, et al.,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Rebecca L. Laughlin for the enrollment of herself and her nine minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

Cherokee D 312.

Muskogee, Indian Territory, October 8, 1902.

Rebecca L. Laughlin,  
Seneca, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting your application for the enrollment of yourself and your nine minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

D.C.8392-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FILE.

I.T.D. 3786-1902.  
2645-1903.

WASHINGTON.

March 23, 1903.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Rebecca L. Laughlin, et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation, be reopened, in which case a decision adverse to the claimants was rendered by the Department September 13, 1902, as the points of law involved in said case are similar to those involved in the case of Joseph D. Yeargain et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants..

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903, in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.C. 10749-1903

DEPARTMENT OF THE INTERIOR.

J.P.

FHE

WASHINGTON.

I.T.D. 1786-1902

2646-1903

3438-

April 14, 1903.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

September 13, 1902, the Department affirmed your decision rejecting the application for the enrollment of Rebecca L. Laughlin and her nine minor children as citizens of the Cherokee Nation, as none of the applicants were residing in the Cherokee Nation on June 28, 1898, and as the act of that date (30 Stat., 4954), provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The testimony was taken and your decision and that of the Department in this case were rendered under a different understanding of said provision of the act of June 28, 1898, from that expressed by the Department in the case of Clement G. Clarke of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

Upon motion for review and rehearing the Department has reconsidered the case, and in view of said latter decision and opinion, the decision of September 13, 1902 is hereby re-

reconsidered, and the case is remanded for further proceedings and readjudication in the light of said opinion and decision, and the decision of the Department of March 17, 1903, in the case of Elizabeth C. Payne.

The testimony and papers attached are inclosed herewith, together with arguments filed August 23 and September 5, 1902, by the attorneys for the applicants.

Respectfully,

(signed) Theo Ryan,  
Acting Secretary.

3 inclosures.

Cherokee R-677

Muskogee, Indian Territory, April 30, 1903.

Rebecca L. Laughlin,  
Seneca, Missouri.

Dear Madam:

You are hereby notified that on April 14, 1903, the Secretary of the Interior remanded, for the purpose of taking additional testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation. Evidence is particularly required as to your residence in the Cherokee Nation.

You are advised that any further testimony which you may have to introduce tending to establish the rights of yourself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 23, 1903.

When you appear, please present this letter.

Respectfully,

Chairman.

GRS

③

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-677

ADDRESS IN FULL  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1903.

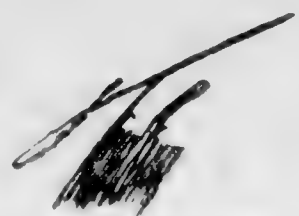
W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 14, 1903, the Secretary of the Interior remanded, for the taking of further testimony, the application of Rebecca L. Laughlin for the enrollment of herself and family as citizens of the Cherokee Nation. Evidence is particularly required as to the residence of the applicants in the Cherokee Nation.

The principal applicant has, this day, been notified that any further testimony which she may have to introduce tending to establish the rights of herself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 23, 1903.

Respectfully,



Chairman.

GRS



Tahlequah, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

gentlemen:

There are transmitted herewith the original card, jacket and record in the matter of the application of Rebecca L. Laughlin, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R. 677.

This case was reopened and remanded by the Secretary of the Interior on March 23, 1903, for further proceedings and re-adjudication. Further testimony was taken on May 25, 1903, a copy of which is a part of this record.

The record in this case is now considered complete and the same is transmitted to the office at Muskogee that a decision may be prepared.

Respectfully,

MH  
Encl-H-365

Commissioner in Charge  
Cherokee Land Office.

Cherokee D-312  
(R 677).

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Rebecca L. Laughlin for the enrollment of herself and her minor children, Alice A., Stella E., Haviilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Kno. D-78

Chairman.

Cherokee D-312.  
(R-677)

Muskogee, Indian Territory, October 20, 1903.

Kimball & White,

Attorneys for Rebecca L. Laughlin, et al.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Rebecca L. Laughlin for the enrollment of herself and her minor children, Alice A., Stella E., Haviilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-122.  
Register.

Commissioner in Charge.

Cherokee D-312.  
(R-677.)

Muskogee, Indian Territory, October 20, 1903.

Rebecca L. Laughlin,  
Seneca, Missouri.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting your application for the enrollment of yourself and your minor children, Alice A., Stella R., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood. There has heretofore been transmitted to your attorneys, Kimball & White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-151.  
Register.

Commissioner in Charge.

Cherokee D-311  
(R-677).

Muskogee, Indian Territory, October 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 14, 1903 (ITD. 3786-1902, 2645-3438-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Rebecca L. Laughlin for the enrollment of herself and her minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., Charles H., Harold P. and Helen C. Laughlin, as citizens of the Cherokee Nation of Shawnee blood, including the Commission's decision dated October 9, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Through the  
Commissioner of Indian Affairs.  
Enc. D-153.

Commissioner in Charge.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

Refer in reply  
to the following:  
Land.  
68429-1903.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 14, 1903, (I. T. D. 3786, 2645 and 3438), returning to the Commission to the Five Civilized Tribes the record relative to the application of Rebecca L. Laughlin, et al., for enrollment as citizens of the Cherokee Nation of Shawnee blood, there is enclosed herewith a report from the Commission returning the record.

Rebecca L. Laughlin applies for the enrollment of herself and her minor children, Alice A., Stella E., Havilah, Ellen E., Pamela A., Levi D., and Charles H. Laughlin, as citizens of the Cherokee Nation of Shawnee blood. Subsequent to the date of the original application, two minor children, Harold P. and Helen C. Laughlin, were born.

These are properly identified by birth affidavits.

October 9, 1903, the Commission held that in view of the Department's decisions in the Yeargain and Clarke cases, the applicants were entitled to enrollment. The Cherokee Nation

protests against the Commission's decision.

The record in this case shows that Rebecca L. Laughlin is a daughter of Levi C. Flint. She is identified under her maiden name, R. L. Flint, on the Cherokee-Shawnee register as a Shawnee, who removed to the Cherokee Nation within two years from June 9, 1867, in accordance with the provisions of the Cherokee-Shawnee agreement. She and her daughter Alice A., are identified by the Wallace roll of Shawnee Cherokees, on the Dickson roll of Shawnee Cherokees on the Cherokee-Shawnee pay roll of 1896. Havilah, Ellen E., and Pamela A. Laughlin are identified by the Dickson roll, the Cherokee-Shawnee pay roll of 1896 and the Cherokee Census roll of 1896. Stella E. Laughlin is identified by the Dickson roll and the Cherokee-Shawnee pay roll of 1896. Charles H., Harold P. and Helen C. Laughlin are properly identified by birth affidavits.

The principal applicant, Rebecca L. Laughlin, lived in the Cherokee Nation in 1871 to sometime in 1874, when she removed to the Quapaw Agency with her father, Levi C. Flint. In 1882 she was married to Charles P. Laughlin, and in 1884 she removed to Missouri with her husband, where they have since resided. In 1893 Charles P. Laughlin purchased an interest in an improved farm in the Cherokee Nation, of which he has since maintained possession and control.



It appearing from the record that these applicants have not become citizens elsewhere, and considering the Department's holdings in the cases mentioned by the Commission, the office believes that its decision should be approved, and approval is recommended.

Very respectfully,

W. A. Jones

Commissioner.

GAW-CGC

W. C. F.  
FHE.

DEPARTMENT OF THE INTERIOR

D. C. 20448-1905.  
I. T. D. 7750-1903.

WASHINGTON. April 15, 1905.

L. R. S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

October 20, 1903, you returned the record in the Cherokee enrollment case of Rebecca L. Laughlin, et al.,

On September 13, 1902, the Department affirmed your decision rejecting the applicants in said case, and on April 14, 1903, the Department rescinded its previous action and remanded the case for further proceedings and readjudication.

On October 9, 1903, you decided that the applicants should be enrolled.

Reporting October 29, 1903, the Indian Office recommended that your decision be approved.

The record shows that Rebecca L. Laughlin was 36 years of age at the date of the application; that she is the daughter of Levi C. Flint and is identified on the register of Shawnee Indians who removed to and located in the Cherokee Nation within two years from June 9, 1869. It appears that she resided in the nation until 1874. From that time until 1882 she resided with her father at the Quapaw Agency. In 1882 she was married

to Charles P. Laughlin, and since 1884 she and her husband have resided in Missouri. In 1893 her husband purchased, for her and her minor children, an interest in an improved farm in the Cherokee Nation, which they have since maintained possession of. The names of Rebecca L. Laughlin and certain of her minor children appear upon certain rolls of the Cherokee Nation.

The principal applicant is a sister of Lydia K. Spencer. In an opinion approved March 25, 1905, the Assistant Attorney General held that Lydia K. Spencer was not entitled to enrollment. The status of the principal applicant herein is analagous to that of Lydia K. Spencer, and in accordance with the opinion above referred to, your decision holding that the applicants should be enrolled is reversed and you are directed not to enroll the applicants as citizens of the Cherokee Nation.

A copy of Indian Office letter of October 29, 1903, is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee R-677.

Muskogee, Indian Territory, April 26, 1905.

Commissioner in Charge,  
Cherokee Land Office,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Rebecca L. Laughlin, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on April 16, 1905.

Respectfully,

(SIGNED)

*Tams Bixby*  
Chairman.

COPY.

Cherokee R-677.

Muskogee, Indian Territory, April 26, 1905.

Rebecca L. Laughlin,  
Seneca, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on April 15, 1905.

Respectfully,

SIGNED, *Tams Bixby*,  
Chairman.

COPY.

Cherokee R-677.

Muskogee, Indian Territory, April 28, 1905.

Kimball & White,

Attorneys for Rebecca L. Laughlin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Rebecca L. Laughlin, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on April 15, 1905.

Respectfully,

(SIGNED). *Tams Dixby.*  
Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKENRIDGE.

WM. O. REALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:  
Cherokee 2-577.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 26, 1905.

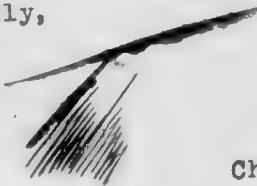
W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 9, 1903, granting the application for the enrollment of Rebecca L. Laughlin, et al., as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on April 15, 1905.

Respectfully,



Chairman.



( C O P Y )

D. C. 52009-1905  
I.T.D. 13414-1905

Y.P.  
FHE

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 14, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are advised that a motion to reopen the Cherokee enrollment case of Rebecca L. Laughlin, et al. (D-312), has been filed in the Department. See letter of the Commission to the Five Civilized Tribes of October 20, 1903.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

Through the Commissioner  
of Indian Affairs

(COPY)

J.E.W.  
W.C.P.  
S.V.P.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General.

I.T.D.  
13414-1905.

WASHINGTON.

September 24, 1906.

The Secretary of the Interior.

Sir:

I received by reference of March 13, 1906, the record in application of Rebecca L. Laughlin for enrolment of herself and children as citizens of the Cherokee Nation, of Shawnee blood, decided adversely to all the applicants by the Department, April 15, 1905, for review of which decision counsel for the applicants has filed a motion for review.

Rebecca L. Laughlin, whose maiden name was Flint, was born March 15, 1864, and with her parents is borne on the register of Shawnees who were affiliated into the Cherokee Nation under the Cherokee-Shawnee agreement of June 9, 1869 (Constitution and Laws, Cherokee Nation, 1892, p. 403), pursuant to Article XVI of the treaty of July 19, 1869 (14 Stat., 799). After living in the nation over three years, her father Levi C. Flint was employed as blacksmith at Quapaw Agency, taking with him his family, but leaving property in the nation, and intending thereto to return. In 1879 or 1880 he left government service and went to Seneca, Missouri, where she married March 15, 1882, Charles B. Laughlin, a white man, citizen of Kansas, in government employ at Quapaw Agency, where they resided until after the birth of the two

elder children. He then left government employ, and settled at Seneca, where the family have ever since resided and where the other children were born.

The applicants are identified upon tribal rolls as follows: Rebecca L., principal applicant, and Alice A. on (1) Wallace Cherokee-Shawnee, (2) Dickson Cherokee-Shawnee, (3) Cherokee-Shawnee 1896 pay roll, (4) Cherokee 1896 census roll; Havilah, Ellen E. and Pamela A. on all above, except the first; Stella E. on second and third, above; Levi D. on last above; the other three children, Charles H., Harold P., and Helen C. were born after all such rolls were made. In 1893 the father purchased for his wife and the children then living improvements on lands of the nation, which have since been maintained and controlled.

May 27, 1902, the Commission denied enrolment of all the applicants, upon the ground that they had not prior to the act of June 28, 1898 (30 Stat., 495), removed to and settled in the nation. This action was affirmed by the Department September 13, 1902. April 14, 1903, the Department regarded such action inconsistent with my opinion of March 16, 1903, in case of Joseph D. Yeargain and others, and directed reconsideration of the case. October 9, 1903, the Commission admitted the applicants. The nation filed a protest, and April 15, 1905, the

Department reversed the action of the Commission. The applicants filed a motion for review, and my opinion is requested.

The motion is based upon an asserted, "absolutely certain," inconsistency between my opinions in the cases of Clara A. Ward and Levi C. Flint, of March 23 and 25, 1905, with my opinions in Joseph D. Yeargain and John R. Trott, which, it is asserted, "held just the reverse." I am unable to appreciate by what course of reasoning counsel arrives to so certain and self-satisfactory conviction of conflict even apparent. In the cases of Yeargain and Trott, in the latter of which I never in fact rendered an opinion, the facts were that after being in full allegiance of the Cherokee Nation, prior to June 28, 1898, neither ever removed their effects or ceased to co-operate in the business, social or political activities of the Indian community--all of which elements occurred in the cases of Ward and of Flint, so that by operation of the expatriation provision of the Cherokee Constitution they became legally, as they were in fact, strangers and aliens to the Cherokee Nation, and were never reintegrated into the nation by any legally constituted authority. Without rehearsing at length the facts or the reasoning in the cases referred to, I invite counsel's re-examination of them and to the reasoning in opinion in Clara A. Ward as to construction of

the expatriation clause of the Cherokee Constitution.

In the present case it is no doubt true that the residence of the principal applicant at the Quapaw Agency in pupilage of her parents, while her father was in government employ worked no change of legal domicile, and nowise affected her Cherokee allegiance or her rights as a Cherokee citizen. Nor, perhaps, did her marriage to a citizen of Kansas, in view of section 6 of the act of February 8, 1887 (24 Stat., 390), of itself work an expatriation of the principal applicant or operate to deprive the children of the marriage of the benefits of Cherokee citizenship. It may be conceded for all purposes of this case that it would not, tho that act had no reference to the Five Civilized Tribes, and was not intended to affect the lands of those and other tribes named in section 8.

I am of opinion that the principal applicant's exemption from operation of the expatriation provision of the Cherokee Constitution can not be extended by reason of her marriage. Exception to the operation of statutes and constitutions arise only from some provision of law or constitution defining the fact or event that tells the statute. The Cherokee Constitution provides that the expatriation provision shall not operate as to minors. It fails to provide that coverture shall have that effect. Her marriage was voluntary. The Contract of Marriage in Cherokee

and our own law alike implies choice of the wife to take the husband's domicile. That is the necessary import of the marriage contract, and if there be age of consent to marry there is necessarily age to determine what is necessarily included in the marriage contract, and so it is that the marriage was necessarily a determination to change her legal residence from the Cherokee Nation--to remove her person--to the husband's domicile in Kansas.

She had no effects, and the expatriation clause was operative at least as early as expiration of a reasonable time for return to the nation after her attaining full age.

Assuming, for the case merely, that her marriage to a citizen of Kansas did not of itself work her expatriation, tho she had no property in the nation, it would follow that the two elder children were born to Cherokee allegiance; but that right of citizenship was subject to legislation of Congress or of the Cherokee Council. The children did not establish residence in the nation prior to June 28, 1898, nor prior to September 1, 1902, and never have become residents of the Nation. They were residents of Missouri, children of a father in allegiance to the United States, and as such they were entitled to the protection of and owed allegiance to the United States and the State of

~~Missouri, as indeed they did from birth to that of Kansas.~~ In this respect their situation was unlike that of the Children of Stonewall J. Rogers, subject of my opinion of March 25, 1906, whose residence was taken up in the nation in January 1896.

In my opinion of December 28, 1906, upon inquiry of the Commissioner to the Five Civilized Tribes of September 25, 1906 (I.T.D. 13216-1906), referred to me I said:

I am unable to see that any distinction is to be made between adults and minors who failed to locate permanently in the nation. While minors are excepted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception in their favor has been made by any act of Congress.

I am still of that opinion, and it follows that the children born while it is, for purposes of their case, assumed that their mother was a minor against whom the expatriation provision of the Cherokee Constitution was not operative, as well as the children later born are not entitled to be enrolled, and the motion should be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: September 24, 1906.

Thos. Ryan.

Acting Secretary.



(COPY)

J.W.G.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Y.P.

I.T.D.18788-1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In view of the approval by the Department of the opinion of the Assistant Attorney-General of September 24, 1906, in the Cherokee enrollment case of Rebecca L. Langhlin, et al, the motion for review mentioned in said opinion is denied.

A copy of the opinion is inclosed. The papers inclosed have been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Thru the Commissioner  
of Indian Affairs.

1 inc. & 14 to Ind. Of.

(COPY)

J.W.G.

DEPARTMENT OF THE INTERIOR,

T.P.

WASHINGTON.

I.T.D.18788-1906.

September 28, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In view of the approval by the Department of the opinion of the Assistant Attorney-General of September 24, 1906, in the Cherokee enrolment case of Rebecca L. Laughlin, et al, the motion for review mentioned in said opinion is denied.

A copy of the opinion is inclosed. The papers inclosed have been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Thru the Commissioner  
of Indian Affairs.

1 inc. & 14 to Ind. Of.

Cherokee  
R 677

Muskogee, Indian Territory, October 9, 1906.

Rebecca L. Laughlin,  
Geneca, Missouri.

Dear Madam:

You are hereby advised that the motion filed by your attorney to reopen the Cherokee enrollment case of yourself and children was denied by the Secretary of the Interior September 28, 1906.

Respectfully,

H.J.C.

Commissioner.

Cherokee  
R. 677

Muskogee, Indian Territory, October 9, 1906.

William Henry White,  
416 Fifth Street Northwest,  
Washington, D. C.

Dear Sir:

You are hereby advised that the motion filed by you to reopen the Cherokee enrollment case of Rebecca L. Laughlin, et al., was denied by the Secretary of the Interior, September 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H. J. - 105.  
H. J. C.

Commissioner.

Cherokee  
R 677

Muskogee, Indian Territory, October 9, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion to reopen  
the Cherokee enrollment case of Rebecca L. Laughlin, et al.,  
was denied by the Secretary of the Interior, September 28, 1906.

For your information there is enclosed herewith a  
copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-106.  
H.J.C.

Commissioner.

D-312

IN THE MATTER OF THE APPLICATION OF

*Rebecca L. Laughlin &*

FOR ENROLLMENT AS

# CHEROKEE CITIZENS

- A. Original testimony - September 17, 1900
- B. Memo of application - " 17, 1900
- C. Birth affidavit - Charles H. Laughlin
- D. Notice of final examination
- E. Receipt for testimony

Supplemental testimony and order closing  
testimony, Feb. 24, 1902.

Affidavit, Helen C. Laughlin  
Affidavit, Harold P. Laughlin

Cher R 678

Cher R 678



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., September 17, 1900.

In the matter of the application of Preston G. Browning for the enrollment of himself and three children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Preston G. Browning.  
Q What is your age? A Forty-eight.  
Q What is your post-office address? A Seneca, Missouri.  
Q What district do you reside in? A Delaware District.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood or by marriage? A By marriage.  
Q For whom do you apply for enrollment? A Myself and three children.  
Q What was the name of your wife? A Sarah E. Browning.  
Q What was her name before you married her? A Sarah E. ~~Flint~~. Flint.  
Q Is she living? A She is dead.  
Q She a Cherokee citizen by blood? A No sir, she was a Shawnee, sister to these other girls.  
(Note: Other girls referred to, Gertrude Flint and Lydia W. Spencer, Shawnees.)  
Q Was she recognized sister of the Cherokee Nation?  
A Yes sir.  
Q When did you marry her? A 1883.  
Q By what law? A Cherokee law.  
Com'r Needles: The applicant presents certificate of marriage certifying that he was married to one Nellie Flint, a Cherokee citizen by blood, on the 7th of October 1883, license and certificate being in due form.  
Applicant: They have got the name mixed, it is Sarah Ellen and that have got it Nellie.  
Q What are the names of your children? A Thomas E. Browning, aged fifteen; Ben F. Browning, twelve. Queen Ester Browning, nine years old.  
Q That all? A Yes sir, that's all.  
Q Are these children alive and living with you? A Yes sir.  
1896 roll page 566 #68 Press C. Browning, Delaware District;  
1896 roll page 599 #86 Sarah E. Browning Delaware District;  
1896 roll page 599 #87 Thomas E. Browning Delaware District;  
1896 roll page 599 #88 as Benjamin F. Browning, " "  
1896 roll page 599 #89 as Ester Browning, " "  
Q Your wife's name does not appear upon the authenticated roll of 1830: by what right does she claim citizenship in the Cherokee Nation? A She is a Shawnee; come in here in 1870.  
Com'r Needles: In the register of names of Shawnees who moved to and located in the Cherokee Nation prior to the 10th day of June 1871, within two years from the 9th day of June 1869, under the 15th article of the Cherokee Treaty with the United States, #327, is found the name of Sarah C. Flint, which was the maiden name of Sarah E. Browning, she being now deceased.  
Examined by Cherokee Attorney Hutchings:  
Q Where were you residing when you married your wife? A In Seneca, Missouri.  
Q You were at that time a citizen of the State of Missouri?  
A Yes sir.  
Q And you have never moved from that place at all? A No sir I don't believe I have.  
Q You have never resided a day in the Indian Territory except on a visit? A Oh yes, I have been in here half the time, I think, since I was married, but my home was in Seneca.  
Q That's what I mean, you always made your home in Seneca?

Preston G. Browning et al 2

A Yes sir.

Q Have you ever voted at the municipal elections there?

A Yes sir.

Q Since you married this woman? A Yes sir.

Q Where was she residing when you married her? A Canaan, Missouri.

Q And had been a long time prior to that? A Yes sir, there and the agency.

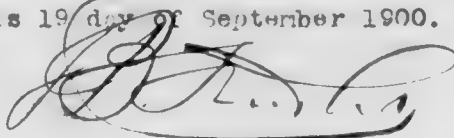
Q She resided for a short time in the Cherokee Nation after she and her father came here from Kansas with the Shawnees? A I think about six years.

Com'r Needles: The name of Preston G. Browning appears upon the census roll of 1896 as an intermarried white man; the name of his wife, Sara E. Flint also appears upon the census roll of 1896 as well as the names of their children, Thomas E., Ben F. and Queen E. as indicated in the testimony; the name of his wife is also found on the list of Shawnees, more particularly described in the testimony; they are duly identified upon the rolls as indicated in the testimony; satisfactory proof as to their residence has not been made, consequently the name of Preston G. Browning and his children, Thomas E., Benjamin F. and Queen E. will be placed upon a doubtful card, and final judgment will be suspended.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*W.D. Green*

Subscribed and sworn to before me this 19 day of September 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILE**  
SEP 17 1900

*[Handwritten signature]*

ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

SEP 17 1900

1900.

Name

(48) *Frederick S. Browning*

Date

Year *1896*

Page *566*

No. *68*

District

DELAWARE.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

*2 Thomas S. Browning*  
*6 Benj. S.*  
*4 Queen S.*

Dist. DELAWARE.

Year *1896*

Page *599*

No. *87*

Age *15*

Dist. DELAWARE.

Year *11*

Page *599*

No. *88*

Age *12*

Dist. DELAWARE.

Year *11*

Page *599*

No. *89*

Age *9*

Dist.

Year *11*

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

*1 m 1896 called Press S. Browning*  
*2 " " Benjamin S.*  
*4 " " Esther*

B314

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of Preston G. Browning for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

P. G. BROWNING, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A P. G. Browning.

Q How old are you? A 49.

Q Your post-office address? A Seneca, Missouri.

S. S. CLOVER: State if Mrs. Browning ever owned any property or not at the time of her death, in the Cherokee Nation? A Yes, sir.

Q What was it, farm or personal? A I had a business in there, farm, and two or three lumber yards.

Q How much property do you think there was in value that you had there in the Cherokee Nation? A At the time she died?

Q Well, now and then? A Thirty thousand I guess.

Q Thirty thousand dollars? A Twenty-five or thirty.

Q Have you ever voted in the Cherokee Nation? A Yes, sir.

Q Did you ever pay any taxes? A Yes, I have paid taxes. Q Paid permit taxes for merchandise? (No response.)

Q Did your wife ever become a member of any other government than the Cherokee Nation? A Not that I know of.

Q Under what name was your wife enrolled on the roll of June 10, 1871, the Shawnee roll? A On the old Shawnee roll?

Q Yes, sir? A Sarah E. Flint.

Q Do you know whether your wife and children were ever on the roll made by John W. Wallace? A Yes, sir, they are on the roll.

Q Was you ever on the roll made by James Dixon? A Yes, sir.

Q Was you ever on the roll made when the payment was made by Treasurer Lipe of the Cherokee Nation? A Yes, sir.

Q Did your wife or you receive payments on all those rolls? A Yes, sir.

W. W. HASTINGS: Married since you enrolled, haven't you? A Yes, sir.

Q Your present wife is a white woman? A Yes, sir.

Q What is her name? A Her name was Helen Williams before she married.

Q When did you acquire any improvements in the Cherokee Nation? A 1884 I believe.

Q When were you married first? A 1883.

Q Where did you get a farm? A Right north of Bill Howes.

Q Owned it ever since? A Yes, sir.

Q Own it now? A No, I don't know that I have the one that I first improved on now.

Q How long did you retain it? A Oh, I guess ten years before I sold it.

Q Most of this property that you told Mr. Clover that you had was composed of lumber yards? A Yes, sir.

Q In towns, incorporated towns? A Yes, sir. Most of it.

Did the non-citizens own lumber yards in towns in the Cherokee Nation? A I believe they do now; they didn't then though; no, they couldn't do it then.

Q I believe you lived, you state, in Seneca, Missouri, when you married, and have lived there ever since? A Yes, sir.

Q Live there now? A Yes, sir.

COMMISSION: There is offered in evidence a certified copy of a marriage license issued by J. H. Hughes, recorder, County of Newton, State of Missouri, on the 18th day of September, 1900, authorizing the marriage of P. C. Browning and Elizabeth H. Williams, and a certificate certifying that they were married by L. C. Wilson, a minister of the Gospel, on the 18th day of September, 1900. This license and certificate is offered in evidence by the representatives of the Cherokee Nation present, and it is filed herewith.

COMMISSION: Do you submit this case to the Commission for final consideration?

S. S. CLOVER: Yes, sir. No, we want to furnish certified copies of the roll of Wallace, and Dixon and Lips Rolls. We will send them here to you.

COMMISSION: Upon an examination of the pay roll of Cherokee Shawnee citizens, as disbursed by D. V. Lips, treasurer of said Nation, authorized by an act of the National Council, approved March 30, 1896, the following names appear on page 7: Sarah E. Browning, Thomas E. Browning, Ben F. Browning, and Esther Browning, numbered 146, 147, 148, and 149, respectively.

The attorney for the applicant will be granted fifteen days from date hereof in which to furnish the Commission with certified copies of the roll made by John W. Wallace and the roll made by James G. Dixon of the Cherokee-Shawnee citizens. The attorney for the applicant, and also the representatives of the Cherokee Nation, submit this case to the Commission for final consideration, and it is ordered closed and reported to the Commission for final consideration upon the evidence now filed in addition to the certified copies of the rolls which the attorney for the applicant desires to file.

W. W. HASTINGS: Mr. Browning, where were the children for whom you apply born? A They was born in Seneca, Missouri.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 25th day of February, 1902.

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F., and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood.

DECISION.

—00—

The record in this case shows that on September 17, 1900, Preston G. Browning appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F., and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 24, 1902.

The evidence in this case shows that on October 7, 1893, Preston G. Browning, a white man, married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, Sarah E. Flint, a Shawnee, an adopted citizen of the Cherokee Nation. Preston G. Browning is identified on the Cherokee census roll of 1894, and his children, by his wife, Sarah E. Browning, Thomas E., Ben F., and Queen E. Browning, are identified on the Dickson Roll of Shawnee-Cherokees, on the Cherokee-Shawnee Pay Roll of 1894, and on the Cherokee Census Roll of 1894.

The evidence further shows that Preston G. Browning and his wife, Sarah E. Browning, were residents of Sumner, Missouri, prior to their marriage, and lived there up to the time of her death, and that Preston G. Browning has lived and exercised the rights of citizenship there ever since. All the children of Preston G. Browning and his wife, Sarah E. Browning, were born at Sumner, Missouri, and have always lived there.

Paragraph 9 of Section twenty-one of the Act of Congress approved June 22, 1900 (36 Stats., 490), provides:

"No person shall be enrolled who has not heretofore resided to and in good faith settled in the nation in which he claims citizenship."

It further appears from the evidence that on September 19, 1900, Preston G. Browning married a white woman.

Section twenty-one of the Act of Congress approved June 22, 1900 provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 614 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship."



RECEIVED

THE SECRETARY OF THE  
NAVY  
WASHINGTON

THE SECRETARY OF THE NAVY

*[Handwritten signature]*  
J. T. [unclear]

RECEIVED  
JUL 16 1904



IN THE DISTRICT COURT OF THE UNITED STATES,  
Commission to the Five Civilized Tribes.

-----oCo-----

In re  
Application of Preston G. Browning,  
et al., for enrollment as citizens  
of the Cherokee Nation.

-----oCo-----

BRIEF OF THE PLAINTIFFS.

Statement of Facts.

Levi C. Flint and Stella A. Flint were members of the  
Cherokee Tribe of Indians and came to the Cherokee Nation before  
June 7, 1871, under the terms of the Cherokee-Cherokee agreement of  
June 7, 1869, by which they became entitled to all of the rights and  
privileges of Cherokee citizens. They brought with them  
their children, George I. Flint, Frank H. Flint (Browning), Rebecca  
I. Flint (Laughlin), and John H. Flint (Spencer), all of whose  
names appear on the Cherokee-Cherokee Register Roll of 1871. Ger-  
trude Flint is a daughter born since 1871 in the Territory.

The Flints settled on a farm in the Cherokee Nation and  
remained for little over three years, or until the fall of 1874.  
Mr. Flint paid \$600.00 for a house, fenced ten or twelve acres of  
land, plowed it and continued to farm for three years or more.  
He had a cow and calf, some hogs and a mare, a team of horses  
and a team of mules. The equipment on his farm, which, as witness  
never says, was pretty good farm for those days, there is every  
reason to suppose the family considered itself firmly established.

But hard times were ahead. The horses and mules died.  
Flint had nothing with which to buy more. Without such stock,  
farming was out of the question. The condition now amounted to a  
calamity. Three years had reduced them almost to poverty.

Flint then secured the position of government blacksmith at the Quapaw Agency and removed there in the fall of 1874, taking all his family, including Mrs. Browning, remaining there until about 1882. He left in the Nation all his property including his house fences, farming implements and cattle.

When Mrs. Browning became of age, some of this stock was still in the Nation. For a more extended statement, see the Flint's case.

Mr. and Mrs. Browning were married in 1883 and they continued to live at Seneca, Missouri, until their respective deaths. Mrs. Browning died before September 1, 1902, and Mrs. Browning after that time. All of their children are minors. Mrs. Browning began making improvements in the Cherokee Nation in 1885. She continued to own valuable improvements in the Nation from that time to the present time, which consist of an interest in a number of lumber ~~yard~~ yards and a farm of about eight hundred acres, all fenced and otherwise cultivated and improved. All of these applicants were enrolled in 1896, Mrs. Browning and her children drew their share of the strip money which was also used in purchasing property in the Nation.

#### Argument.

In connection with this brief we ask a careful reading of the brief filed by us in the case of Levi C. Flint, et al. Mrs. Browning is properly on the roll of 1871. She was a ~~minor~~ when her father took her to the Quapaw Agency.

We take it that ~~the~~ only objection to these applicants is now the one ~~raised~~ heretofore raised, namely, paragraph nine of section twenty-one, Act of June 28, 1898:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

"The purpose of this provision," said the Assistant Attorney-General on March 16, 1903, in the Yeargaine cases and the Secretary of the Interior on the same day, "is clearly seen when

read in the light of the history of the Cherokee Nation. x x x x  
It was therefore against those who had never identified themselves  
with the Nation and those who had withdrawn themselves from the  
Indian people that this provision of the statute was aimed. It

was for the protection of the Cherokee people and in harmony with  
the provisions of the Cherokee Constitution. That instrument de-  
fines how Cherokee nationality shall be lost or forfeited, viz:

That whenever any citizen shall remove with his effects  
out of the limits of this Nation and become a citizen of any other  
government, all his rights and privileges as a citizen of this Na-  
tion shall cease. . . ."

Certainly Mrs. Browning "identified herself with the Na-  
tion." She came under the treaty and lived in the Nation for  
more than three years and until driven out by poverty. "The  
statute" was not "aimed" at Mrs. Browning on that account. There  
is left only "those who had withdrawn themselves from the Indian  
people" and the Yearwain decision explains who they are in show-  
ing how "Cherokee nationality shall be lost or forfeited," thus:

"There are three elements clearly defined which must  
concur to effect forfeiture of nationality, or complete expatria-  
tion -- viz: removal of the person, coupled with removal of all  
effects and property, and acquisition of another nationality by  
assuming the obligations of citizenship there. To these tests and  
for their construction there is also another, implied but not men-  
tioned--viz: the intent with which such acts be done, for if all  
property and the person were for some temporary purpose removed  
from the Nation, and if acts were done which might bear the con-  
struction of assuming obligations of citizenship in another com-  
munity -- as voting there for instance -- yet if the removal of  
person and property were for some temporary purpose and with in-  
tent to return, and the acts implying an assumption of duties of  
citizenship elsewhere had no such purpose, then the change of cit-  
izenship would not follow."

Under this decision then, four things must concur, else  
the Brownings must be enrolled, viz:

1. Removal from the Nation.
2. Removal of effects.
3. Become a citizen of another government.
4. Do all of the above with the intent to abandon

their Cherokee citizenship.

"Applying such tests to the facts in the present case, it is clear that the Brownings have not lost their Cherokee nationality." They have done the first of the four, but neither the second, third nor fourth. We take them in order..

2. Effects. Levi C. Flint left in the Cherokee Nation a house which had cost him \$300.00; he left his agricultural implements and if they were few they were all he had; he left his fences; and he left a cow and a yearling. Cherokee counsel tried to be facetious about the cow and calf, but the record criticises the effort in showing thirteen head of cattle and ten years or may be more during which Flint kept them in the Nation after his removal. Certainly, Flint did not remove his effects and must be enrolled. His daughter, Mrs. Browning, during her minority was, like Marjorie Yeargain, entitled to enrollment.

3. Another Government. Did Mrs. Browning become a citizen of another government? The only one she is charged with joining is Missouri. She must first have become a citizen of the United States, or at least have declared her intention so to do, either of which was legally impossible until 1867.

Elk vs. Wilkins, 112 U. S., 94.

This case having decided that an Indian, of a tribe still having a tribal organization, may not become a citizen of the United States except under act of Congress, we invite attention to the Acts on the subject.

The Act of February 8, 1867, (24 Stat., 390) granted citizenship to Indians who take up their residence separate and apart from any tribe of Indians, "without in any manner impairing or otherwise affecting the right of any Indian to tribal or other

property." This was amended March 3, 1901, (31 Stat., 1447) so as to include "all Indians in Indian Territory," but tribal rights are not affected by this amendment.

The Act of August 9, 1880, (25 Stat., 392) granting citizenship to Indian women who marry United States citizens expressly declares also that nothing in that Act "shall in any way affect the right or title of such married women to any tribal property or any interest therein."

How then could Mrs. Browning become a citizen of the United States so as to forfeit her rights to tribal property? Clearly not under the Acts of Congress; and the Supreme Court has said she can in no other way. Is there conflict between the Acts of Congress and the Cherokee Constitution? Then, the Acts of Congress prevail.

U. S. vs. Rogers, 4 How., 507, 575;  
Choctaw Nation vs. U. S., 119 U. S., 27;  
Stephens vs. Cherokee Nation, 174 U. S., 487.

Under the Cherokee Constitution a citizen must become a citizen of another government to lose his tribal rights. The Acts of Congress say that a Cherokee becoming a citizen of the United States will not lose his tribal rights of property. The Act of Congress prevailing, the Cherokee provision must be limited to other Indian governments.

Since Mrs. Browning has not become a citizen of another government so as to lose her tribal rights she and children must be enrolled.

4. Intent. Mrs. Browning has never had the chance to legally express her will in acts. She was taken by her father out of the Cherokee Nation when a child. She lived with him until she married. Since her marriage she lived, as required to do, in the home provided by her husband until her death. There are no acts indicating her intent either way until she received her share of the strip money and, thereafter, had a separate estate excepting that before this time she induced her husband to purchase

improvements for her in the Cherokee Nation. Mrs. Browning should therefore be enrolled because of her disability to comply with the removal clause and because she has not lost~~er~~ her rights to tribal property by her marriage.

5. Descendants. The children of Mrs. Browning are all descendants of Levi C. and Stella A. Flint, their grandchildren. They were all minors when application was made. The Commission has investigated the roll of 1871 and has found the Flints there properly. They must be enrolled because they have done no act to forfeit their rights. They are therefore to be enrolled "with their descendants born since such roll was made." All of Mrs. Browning's children are descendants born since 1871. The Act is plain and grandchildren are descendants. See the cases collected in 9 Am. & Eng. Ency., <sup>Law,</sup> 2d Ed., pp. 399 and 400, as to the meaning of "descendants".

Paragraph nine, section twenty-one, Curtis Act, is ambiguous and needs construction. A few of the ordinary rules are: we are to look at the whole context and give effect to all provisions, consider the objects intended to be subserved by the legislation and while the ordinary and popular meaning of words should be given where such an interpretation is possible, yet the operation of the statute should be restrained within narrower limits where its literal meaning would extend to cases which the legislation never intended to include in it. *Market Co. vs. Hoffman*, 101 U. S., 116. A construction is to be given rendering the act reasonable rather than unreasonable and just rather than unjust. *Merriam vs. U. S.*, 107 U. S., 437; *Noonan vs. Bradley*, 9 Wall., 394. Where one meaning will disinherit these children and another possible one will not so result, we must take the latter. *Underhill on Wills*, Sec. 332, Vol. 1, p. 445. "All laws are to be so construed as to avoid an unjust or absurd conclusion; and general terms are to be so limited in their application as not to lead to injustice, oppression or an absurd consequence. *Leu Ow Bew vs. U. S.*, 144 U. S., 47, 61.



Applying these rules, we find that the Dawes Commission is authorized in making rolls of citizenship of the tribes to take the roll of 1880 "and all descendants born since the date of said roll of persons whose names are found thereon." The word persons applies to those whose names appear on the roll. Descendants refers to children who are enrolled by virtue of their ancestors' names appearing on the roll. The Commission is to "investigate the rights of all other persons whose names are found on any other rolls," and to enroll such "of their descendants born since such rolls were made.

The same distinction between "persons" and "descendants" will be noticed by a perusal of paragraphs three, five, six and eleven of section twenty-one -- both before and after paragraph nine. This distinction is made where reference is had to the final roll of the Cherokee Nation where we have "the persons whose names are found thereon, with their descendants thereafter born to them."

The proof required by the Commission is always from the ancestor. When he has established his identity as a person, his descendants are enrolled as a matter of course.

The reasons heretofore assigned for rejecting such minors are these are two: first, they were not born in the Cherokee Nation, and second, they have not removed to and in good faith settled in the Cherokee Nation. We dismiss the first with the showing that Marjorie Yeargain was enrolled although the record does not show that she was ever in the Nation. The second reason followed to its logical results are:

A baby must first select its place of birth and if it errs in that, it must

Leave its mother's arms and forthwith remove to and in good faith settle in the Cherokee Nation, else its birth-right is forfeited. These children should, at birth, have jumped from their mother's bosom, removed to the Cherokee Nation and become

settlers there, taking their part in taming the wilderness, building, plowing the sod, reaping and sowing as settlers do.

Any such construction of the Act of Congress presupposes a marvelous Congressional conception of the Indian and a belief in a breed of most remarkable Indian babies.

#### Preston G. Browning's Second Marriage.

"The evidence in this case shows (as copied from the decision of the Commission dated July 16, 1903) that on October 1883, Preston G. Browning, a white man, married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, Sarah E. Flint, a Shawnee, an adopted citizen of the Cherokee Nation. Preston G. Browning is identified on the Cherokee Census Roll of 1896."

His wife having died, "It appears from the evidence that on September 19, 1900, Preston G. Browning married a white woman."

We begin with the finding of the Daves Commission that Preston G. Browning was properly on the roll of 1896. At that time he was entitled to citizenship under Cherokee laws and is entitled to enrollment now except for some intervening cause.

The alleged intervening cause is, as above shown, his intermarriage with a white woman, which took place September 19, 1900.

Section 656 of the Compiled Laws says that in case a widower intermarries with a white woman his rights as an intermarried citizen shall cease, but the method provided by Section 669 for terminating his rights has been overlooked by the Commission. Section 669 provides:

Sec. 669. The Circuit Court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the district wherein it may be alleged that a citizen of the United States or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship in said Nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such Courts.



On the finding of verdict by the jury against such person, it shall be the duty of the clerk of the Court to notify the Principal Chief of such finding, and it shall be the duty of the Principal Chief to make known such finding to, and call on, the United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in any capacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation. -- December 8, 1890.

Sections 668 and 669 are parts of the Compiled Laws and are therefore parts of the same act, and were passed at the same time and must be construed together. -- Endlich on Interpretation of Statutes, Sec. 40 et seq.

If it were not for Section 668 perhaps the Commission would be justified in considering the testimony tending to show that applicant abandoned his wife; but Section 669 provides the only method by which persons charged with the offense mentioned in 667 shall be tried. It provides a particular forum in which the proceeding shall be instituted. It provides a particular form of proceeding. It gives to the defendant the right of a jury trial.

It should scarcely be necessary to cite authorities in support of the proposition of law that where a forfeiture or penalty is prescribed in an act and where the same act prescribes a mode of procedure by which such forfeiture or penalty is to be declared or enforced, the proceeding prescribed is exclusively, and no other proceeding is lawful. The origin of this principle of law is in the doctrine of "office found".

"At common law, an alien may take realty by act of the grantor, and hold it until 'office found'; that is, until the fact of alienage is authoritatively established by a public officer, upon an inquest held at the instance of the government." -- Anderson's Law Dictionary.

"These inquests of office were devised by law, as an authentic means to give the king his right by solemn matter of record, without which he, in general, can neither take nor part from any thing. For it is a part of the liberties of England, and greatly for the safety of the subject, that the king may not enter upon and seize any man's possession upon bare surmises without the intervention of a jury." -- Blackstone's Com., Book 3, Star p. 259.

Phillips vs. Moore, 100 U. S., 212.

By the common law, "aliens are incapable of taking by descent or inheritance, for they are not allowed to have any inheritable blood in them." x x x "They may convey or devise to

another, but such title is always liable to be divested at the pleasure of the sovereign by office found. In such cases the sovereign, until entitled by office found or its equivalent, cannot pass the title to a grantee." -- *Hauenstein vs. Lynham*, 100 U. S., 484.

Some of the reasons for the rule are as follows:

"~~Refers~~ such an effect ought not, upon principles of public policy, to be presumed upon little ground; that an inquest of office should be made in cases of alienage, is a useful and important restraint upon the public proceedings. x x x It prevents individuals from being harrassed by numerous suits. x x x It affords an opportunity for the public to know the nature, the value, and the extent of its acquisitions pro defectu iurædis; and above all it operates as a salutary suppression of that corrupt influence which the avarice of speculation might otherwise urge upon the legislature." -- *Fairfax's Devisee vs. Hunter's Lessee*, 7 Cranch, 622 and 623.

The application of this principle to the present case is ~~more~~ simple. Where an alien dies, his heirs may not take for they have no inheritable blood and the land escheats to the sovereignty, yet the finding of this fact of alienage by the proper tribunal has always been and is absolutely indispensable.

That no other proceeding than the one mentioned in Section 669 is lawful will be found upon examination of the following authorities:

Potter's Dwarrris on Statutes, p. 275, note 5 and cases cited;  
Wait's Actions & Defences, Vol. 2, p. 109, Sec. 10;  
Also Vol. 1, p. 42, Sec. 3;  
Endlich on Interpretation of Statutes, Sec. 433, note 71  
*R. R. Co., vs. Tel. Co.*, 112 U. S., 306, 310.

Section 669 not only directs the manner of procedure, but it also names the particular court in which the proceeding must be brought.

"If the enforcing tribunal is specified, the designation forms part of the remedy and all others are excluded."

Potter's Dwarrris on Statutes, p. 275, note 5;  
*Dudley, vs. Mayhew*, 5 N. Y. R., 9;  
*Alny vs. Harris*, 5 John, 175;  
*Miller vs. Taylor*, 4 Burr., 2322;  
*Smith vs. Lockwood*, 13 Barb., 209.

Under Cherokee law, therefore, there was but one way by which applicant's citizenship might be declared forfeited, that is, by the proceeding named in section 669 and by the court named in that section. Since there is no evidence of any such proceeding having been instituted against this applicant in that court he

has not forfeited his rights of citizenship and is entitled to citizenship under Cherokee law. This proposition we deem so elemental as not to need further argument.

We fail to see how any person can come to any conclusion but that the Dawes Commission exceeded the jurisdiction given to it by Congress when it undertook to investigate this question under Cherokee law, for even if Congress had intended the Commission so to do, then Congress has failed to provide it with the means. The Commission has no authority to issue a citation or to conduct the case as civil suits are conducted before the circuit court. It has no jury. No proceeding has been brought before it by any person or by the solicitor of the district. In fact, although the Cherokee law provides in section 669 the only way by which the forfeiture mentioned in section 667 is to be enforced, none of those things prescribed by section 669 have been or could have been done.

The Supreme Court of the United States did not hesitate, in Railroad Co. vs. Telegraph Co., 112 U. S., 310, to limit its own authority when it said: "The remedy is statutory only, and every court which takes jurisdiction for its enforcement is limited in its powers by the statute under which alone it can act." This being so as to the Supreme Court of the United States, is not the Commission to the Five Civilized Tribes likewise limited?

Respectfully submitted,

*Henry Grubb*  
*Henry White*  
Attorneys for Applicants.

Cherokee R-679.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 25, 1903.

In the matter of the application of Levi G. Flint for the enrollment of himself as a citizen of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by adoption of the Cherokee Nation.

Applicants represented by William Henry White, 416 Fifth Street Northwest, Washington, D. C.; Cherokee Nation represented by W. W. Hastings.

Levi G. Flint, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name, age and postoffice? A Levi G. Flint, post-office Seneca, Missouri, and my age is 69 years old.
- Q You are a Shawnee by blood? A Yes.
- Q Is Mrs. Flint also? A No, she is an Omaha by blood.
- Q What blood? A Omaha.
- Q Where were you married? A Married in Kansas.
- Q About when? A 1853, November of 1853.
- Q Were you living in Kansas in 1869? A Yes.
- Q Did you come to the Cherokee Nation with the Shawnees? A Yes.
- Q When? A In 1871.
- Q Before June 7th? A Yes, before June 7th.
- Q What members of your family also came? A I would have to study that out as I had a big family. They were all enrolled. They will be found on the register.
- Q Did all the family come? A Yes, they all came.
- Q What did you do to earn a living when you came? A Why, I tried to farm while I was here part of the time and part of the time I worked at my trade, blacksmithing.
- Q How long did you remain in the Cherokee Nation, until when? A I remained here until the fall of '74.
- Q How did you come to leave the nation? A Why, I got an invitation from H. W. Jones, United States Indian Agent, to go to the Quapaw Agency to take charge of the Government shop there. That is how I come to leave here. I thought I could do better over there.
- Q Did you leave any property in the nation? A Yes, I had a little property in the nation.
- Q What? A I had a good house for one thing; a little improvement in the way of a farm, a little ground fenced up, eight or ten acres.
- Q Any stock? A Well, a cow and a calf. I didn't have no other stock because my stock died off before I left here.
- Q Was it a team of horses? A It was a team of horses and the other one was a team of mules.
- Q Did the death of the two teams have anything to do with your leaving? A Why, certainly, I couldn't do anything without a team. I was trying to open up a place.
- Q It then caused you to quit farming? A Yes.
- Q What was the value of the house? A Well, the house was put up for \$600.00;— I paid \$600.00 for it.
- Q Did you leave any farming implements? A Well, at the time I left I didn't have anything but some plow and a harrow.
- Q Did you leave them in the nation? A Yes.
- Q With whom did you leave the cow and calf? A I left them with John Weaver.

2-Levi C. Flint et al.

Q When you went to the Quapaw Agency did you intend to return to the Cherokee Nation or not? A Why, certainly; I applied to the Council to be reinstated not a year after I was discharged from the United States service. I was reinstated, but then I neglected to move back in the required time, and I had to apply again.

Q In 1898 did you appear before the Council? A That was the second time I made the application. The first time was '79 or '80.

Q You were enrolled in 1898? A I took for granted I was enrolled; I didn't stay to see it done. Mr. Lamer that was conducting the case for me showed me that I was reinstated, that I didn't trouble myself any further, I was in a hurry to get back home. I didn't stay to see that I was put on the roll.

By Mr. Hastings: The Cherokee Nation objects to the witness testifying that he was reinstated unless it is the intention of counsel for the applicant to produce a record evidence to substantiate it, which is the best evidence in the case, if it be a fact that he was reinstated this second time as he testifies.

By the Commission: Objection noted.

Q Did you and your wife receive shares of the strip money in '96? A I received money only once since I was there, since I was out of the nation, and I don't remember whether it was strip money or other money; it was just one time. It was on the roll that was made by Wallace.

Q How much did you receive? A I didn't charge my memory with the amount.

Q About how many years ago? A I can't remember now.

Q When did you secure the farm you now hold? A It was directly after I was reinstated, I don't remember exactly.

Q Have your wife and daughter, Gertrude, an interest in this farm? A Why, yes.

Examination by W. W. Hastings.

Q What became of the house and improvements you owned when you left the Cherokee Nation in 1874? A I don't know what Johnson Thompson - what disposition he made of them; I understood afterwards that one of the Landrums got it.

Q You never owned it any longer?

By Mr. White: Object to the question as calling for opinion of law.

By the Commission: Objection noted.

A I thought I owned it as long as it was in Thompson's care, but I don't know what disposition he made of it afterwards.

Q Whose care did you leave it in? A Old Johnson Thompson.

Q After 1874 when did you next see the improvements, if at all?

By Mr. White: Objected to as immaterial.

By the Commission: Objection noted.

A Well, I passed through one time and I saw it was all gone back to state of nature. The house was gone away.

Q When was that you passed through, as you say? A In '76 or '77, I don't remember.



3- Levi C. Flint et al.

Q What became of this cow and calf you left there with Weaver in 1874, are they living yet?

By Mr. White: Object to the question that it is frivolous.

By Commission: Objection noted.

A John Weaver kept them until they became quite a bunch of them when I sold the whole bunch to him.

Q When did you sell them to Weaver? A I don't remember what year it was.

Q As near as you can remember? A In '77 or '78, I don't remember the exact date.

Q After 1877 or '78 did you own any improvements or any personal property in the Cherokee Nation before you acquired your present improvements? A No.

Q When did you acquire your present improvements? A I don't remember how long now. It was after I was reinstated by the Council; I got the improvements on the strength of being reinstated; I thought I would hold my rights on that account. I was reinstated in '96, I think.

Q You think in 1896, is that what you say? A I think it was.

Q When were you first reinstated after 1874? A It has been so long, - in '79 or '80, I don't remember now which exactly.

Q Where were you then living? A I was living at Seneca.

Q Missouri? A Yes sir.

Q Were you required to remove to the Cherokee Nation? A

By Mr. White: Object to the question as calling for a conclusion of law.

By the Commission: Objection noted.

A No, there wasn't anything said about my moving back right away.  
Q Was anything said at all?

By Mr. White: Object to the question as immaterial, as being hearsay.

By the Commission: Objection noted.

A Nothing said about it. Come to remember now, Woodall, the man that reported — I wasn't present at the Council but Woodall told me that there was no limitation set, I could move back whenever I felt like it; that was from Woodall, he was a member of the Senate.

By Mr. White: We wish to withdraw the objections of the last two questions.

Q Why did you state in your direct statement that you were reinstated upon conditions?

By Mr. White: I object to that as not properly putting the testimony of the witness.

By the Commission: Objection noted.

A I don't remember of making any such statement.

Q Did you ever get any act of Council reinstating you?

By Mr. White: Objected to as calling for secondary evidence.

By Mr. Hastings: The Cherokee Nation desires to answer this objection by stating that if this man was reinstated it would have to be by an act of the National Council or an act of some Commission

4-Levi G. Flint et al.

having authority to do the same, and the written evidence of that is the best evidence of that fact and not secondary.

A Do you mean did I get a copy of it?

Q Yes. A No, I never did; it was all verbal.

Q When do you claim to have been reinstated? A The first or second time? I was reinstated twice.

Q The first time? A It has been so long ago; I said it was either in '79 or '80, but I think it was '80 though.

Q How do you know you were reinstated? Did you ever see any decision of any Court or any act of Council reinstating you? A No, I never did; all that I know was that Mr. Woodall, he was the chairman of the Committee, and he told me about my case; he came to Seneca and reported it to me.

Q Then all you know is just what Woodall told you? A That is all. I suppose though it is a matter of record.

Q When do you claim to have been reinstated the second time? A I think it was in the fall of '95.

Q What authority reinstated you? A Why, the Cherokee Council to be sure.

Q Did you ever see a copy of an act of the Cherokee Council reinstating you? A No.

Q You only drew money one time and that was when Mr. Wallace made a roll, is that correct? A Yes, that is correct.

Q Was that in 1889 or 1890 or 1891? A I think it was in '90, I reckon it was, the agent gave me a notice for this payment and I wrote and inquired of him particulars whether I was entitled. I had drawn money before that, a year or two before that, and he said it was the same money that he had paid out, that he had paid out in the first payment; I reckon it must have been '90.

By W. W. Hastings: I will ask the Commission right here to make a note from its record when this Wallace payment was made. I will ask them to place in the record as to when the Wallace roll was made.

By the Commission: It appears from the records of the Commission that the Wallace Roll referred to by the applicant was made in the year 1889 and the payment of that roll was made about 1890 or 1891.

Q How long have you lived in Seneca, Missouri? A I moved in there in '79.

Q What are you doing there? A I am working at my trade, blacksmithing.

Q Have you a house there? A Yes.

Q When did you purchase it? A Just about '95, I guess.

Q Did you own one in Seneca before that? A Before this one I bought in '95?

Q Before 1895? A No; I was renting all that time.

Q Where is your daughter Gertrude? A She is at home at present, taking care of her mother.

Q How much farm have you in the Cherokee Nation, how many acres inclosed? A I expect in the neighborhood of from 150 to 200 acres. I was getting a rental of \$150.00 a year until this trouble come.

Examination by the Commission.

Q What authority did you give Thompson with reference to the disposition of your house? A I didn't give him any authority direct. I owed him a little store bill and I understood he disposed of it and got his pay out of that.

Q Who was Mr. Lamar who told you that you were reinstated the second time? A Mr. Lamar was a member of the Council.



5-Levi C. Flint et al.

Q In what way did you keep up your connection with the Cherokee people from the time you went out up to the time you acquired your present improvements? A That was the only way I tried to keep up my connection with them was to come in and get reinstated; when the limit was passed I came back and was reinstated so as to be ready any time to move in whenever I got ready.

Q Of what do your present improvements consist and how did you acquire them; where are they located? A Well, I just answered that question, part of it anyhow.

~~Q How did you acquire them? A Farm buildings.~~

Q How did you acquire them and where are they located? A I acquired them by purchase. They are located about three miles north of Arton, in Delaware District.

Q Have you voted at elections in Missouri during your residence there? A Yes.

Q How often? A Why, I voted,-- I don't know exactly how often, nearly at every election though with the exception of the first three or four years.

The names of the applicant as Levi Flint and his wife as Stelle C. Flint appear on the Cherokee-Shawnee pay-roll of 1896 at Nos. 344 and 345, but the roll does not show that the money was paid.

By Mr. White-- That also on this book some of the places are indicated as paid while some are blank, and at this particular one there is a blue check. There is no indication showing that the blue check would indicate.

Examination by Mr. White:

Q You have also voted in the Cherokee Nation? A Why, they wouldn't let me do that while I was outside. Judge McKee told me particularly I hadn't no right to vote in the Cherokee Nation while I was outside. I never offered to vote. I thought if that was the rule I wouldn't offer to vote.

By the Commission: The applicant is so deaf that the questions had to be submitted to him in writing.

Charles B. Laughlin, being duly sworn, and examined by applicant's attorney, William Henry White, testified as follows:

Q What is your name, age and postoffice? A Charles B. Laughlin, Seneca, Missouri, and I am fifty-one years old.

Q You are the son-in-law of Levi C. Flint? A Yes sir.

Q Please give me the names of the children of Levi C. Flint and Stelle A. Flint, his wife? A George L. Flint is the oldest; then Mrs. Browning, or Sarah E.; then Rebecca L. Laughlin, my wife; Mrs. Lydia Spencer and Gertrude Flint.

Q Gertrude is unmarried? A Yes sir, she is single.

Q Mrs. Browning is dead, is she not? A Yes sir, she is dead, at the present time. She has been dead four or five years.

Q How many children did she leave? A Three children.

Q They are all minors? A Yes sir, all minors.

Q Is George Flint married? A Yes sir.

Q Has he any children? A No sir.

Q And Mrs. Spencer has how many children? A She has three children.

Q All minors? A Yes sir, all minors.

Q And you have how many? A Nine; they are all minors except two; they just recently became of age.

Q Then were minors when the application was made? A Yes sir, they were minors at the time of the application.

Q Are all of these children whom you have mentioned living? A Yes sir.

S-Levi G. Flint et al.

Q Are you familiar with the facts as to Levi G. Flint and Stella A. and Gertrude A. Flint's purchase of improvements in the Cherokee Nation? A Yes sir.

Q When was that made? A That was made in 1896, their present improvements.

Q Where did they get the money to purchase that? A They got it from what is known as the strip payment.

Q Do you know certainly that they received that strip payment? A I do, yes sir; they received that.

Q Did somebody else receive the money for them? A Why, they received the part paid by the United States Government themselves, the adults received their own money, but the part of the Cherokee part I drew that for them under a power of attorney for George L., for Levi and his wife and Mrs. Spencer.

Q Mr. Flint has testified here that he didn't receive the strip payment money; he then is mistaken about that? A How is that, that he didn't receive it? If he didn't he must be mistaken or I am, one or the other.

Q Do you know what use was made of the money? A The money was paid out for these improvements I know; he got the money, but whether he collected this individually I couldn't say or not. It was collected, I couldn't say whether it was him or his wife, but they got the money I know that.

Q He has not sold these improvements which he purchased? A No sir.

Q Have his wife and Gertrude interests in these improvements or not? A Yes sir.

Q Do I understand you to say that the money received by all three of them was used in the purchase of this place? A Yes sir, that is they used their money in common and they paid for it in common.

Q And they treated the rents in the same way? A Yes sir, the rents in the same way.

Q You are acquainted with Mrs. Lydia K. Spencer, the daughter of Levi G. Flint? A Yes sir.

Q She is your wife's sister? A Yes sir.

Q Where was she educated? A After she first got her common school education mostly in Seneca, Missouri, and then after that I wouldn't pretend to say how old she was, she was then sent to Carlisle, Pennsylvania, the Indian school there.

Q How long did she remain there? A She was there five years. She completed her course in 1892.

Q Do you know when she was born? A Well, she was born about 1871, the early part of it. I forget whether it was February or January.

Q And then when she returned from school she must have been about twenty-one years of age? A Yes, about that.

Q Then if she remained at school five years she must have left for that school when she was about sixteen years of age? A Yes, that is the way it would figure out, about sixteen years of age; she was about that.

Q When was she married? A She was married in November, of '92.

Q Of the year she returned? A The same year.

Q How long did her husband live? A He was killed on the 8th of July, 1900.

Q They lived as husband and wife until his death? A Yes sir.

Q What is Mrs. Spencer's present employment? A I don't know exactly what the government terms it. They call her little boys' matron.

Q Where? A At the school, in the Indian school, Wyandotte. At the Wyandotte Indian School.

Q She is in the government employ there? A Yes sir.

Q How long has she been so employed, since before her husband's death? A Yes sir, before her husband's death. I ain't sure but I think it was in 1899 she was employed.

7-Levi C. Flint et al.

Q You do remember that her employment began before her husband's death? A Yes sir, she was in the government employ then.

Mr. White: We offer a statement of the Superintendent and United States Indian Agent, Wyandotte, Indian Territory, as to the term of service of Mrs. Lydia K. Spencer.

~~E. W. Hastings: The Cherokee Nation has no objection except that it is immaterial.~~

Commission: The document will be offered in evidence and made a part of the record in this case

Q Has Mrs. Spencer any improvements in the Cherokee Nation? A Well, yes, sir.

Q When did she acquire them, if you know? A I think she acquired them about the same time as the rest; I know they were all getting it the same time.

Q What year was that? A In '96, possibly a year later, '96 or '7. I will say, however, she had it, - I don't know whether that would count for any property, she had a town lot in Fairland, I don't know whether that is counted; she had a town lot in Fairland in '93.

Q How many acres has she under fence? A About two hundred; that is as near as we ~~xxxxxx~~ can come at it.

Q Has she sold any part of her improvements? A No sir.

Q Mrs. Rebecca L. Laughlin is your wife? A Yes sir.

Q Where were you married? A Seneca, Missouri.

Q When? A The fifteenth of March, '82.

Q How old was your wife at the time of your marriage? A Eighteen; she was married on her eighteenth birthday.

Q Was she employed before her marriage? A Yes sir, she had been employed in the Indian service at this same Wyandotte-Seneca-Shawnee school.

Q Was she in the employ of the United States Government? A Yes sir.

Q Until the time of your marriage? A Yes sir, up within two or three weeks; she resigned two or three weeks before the marriage.

Q She has been living with you as your wife ever since? A Yes sir.

Q Has she improvements in the Cherokee Nation? A She has, yes sir.

Q When did she acquire them? A In 1893.

Q How many acres of land has she under fence? A About four hundred.

Q Has she sold any part of the same? A No sir.

Q Did she and your children draw the strip money? A Yes sir.

Q Was any part of this money used in purchasing improvements in the Cherokee Nation? A It was.

Q Where were your two oldest children born, her two oldest children also? A In the Quapaw Agency; it was in the Peoria reservation, but it was under the jurisdiction of the Quapaw Agency.

Q Do you know whether or not Mrs. Spencer received her pro rata share of the strip money? A Yes sir.

Q Do you know whether or not she used this money for the purchase of improvements in the nation? A Yes sir.

Q Your wife is the daughter of Levi C. Flint and Stella A. Flint? A Yes sir.

Q When were Mr. and Mrs. Preston C. Browning married? A They were married in 1883, in October; I couldn't tell you the exact date further than the month.

8-Levi C. Flint et al.

Q Do you know whether or not they acquired any improvements in the Cherokee Nation? A Yes sir.

Q When first? A Well, as near as I can arrive at the date it must have been in the ~~fall of '85~~ they commenced improvements in the fall of '85, in the fall and winter.

Q What improvements were they? A They had one hundred acres at that time.

Q Was the house built on that improvement? A The house was built on that improvement.

Q When, if you remember? A I can't tell the exact date of that, further than this, it was the latter part of that winter which must have made it early in '86; I am arriving at that date, you understand, by a hardware bill I come across. Of course, I looked it up.

Q At the time of Mrs. Browning's death how many acres did she and her husband have improved in the Cherokee Nation? A They estimate that they had about hundred acres; further than that I don't know, only what they said; they estimated that there were improved eight hundred.

Q Have you seen this tract of land? A Yes sir.

Q What is your estimate on that? A It wouldn't be far off, I would say from 700 to 800.

Q All under fence? A Yes sir.

Q Any other property? A You mean for Brownings?

Q Yes? A Yes, they had interests in lumber yards in the territory.

Q Did Mrs. Browning and her children secure a pro rata share of the strip payment? A Yes sir.

Q Do you know what was done with that money? A No, I don't, further than they told me that it went into his business.

Q What business? A The lumber business.

Q Where? A Well, I suppose in the yards.

Q Where were they? A They were living in Seneca.

Q Where were the yards? A They were in the territory here.

Q Where in the territory? A Do you mean the present time or different times?

Q Different times? A At one time they had one at Prairie City, now called Ogeechee, but that was discontinued. They have one at Fairland.

Q They have now? A Yes sir, they have now; one at Vinita, one at Chelsea and one at Grove. They had one at Adair, but that was afterwards abandoned; they put it with one of their other yards. They also had one at Oatcoosa, that was afterwards consolidated with one of their other yards.

Examination by W. W. Hastings.

Q Mr. Laughlin, where were you married? A Seneca, Missouri.

Q Where do you live at present? A I live at Seneca.

Q I believe you say you have nine children? A Yes sir.

Q All but the first two were born in Seneca? A Yes sir, all but the first two, they were born in Missouri; they were born in Seneca, yes, all of them.

Mr. White: All of them but the first two? A Yes, I was answering his question.

Mr. Hastings: How old is your third child? A The oldest one that I know of.

Q Yes? A She is seventeen, will be eighteen next birthday, next month.



9-Levi C. Flint et al.

Q What is your business at Seneca? A I am in the grain business.

Q How long have you been in that business? A Well, to sum up all the time I have been in it, I have been in it right at fourteen years, close to it.

Q Do you own a home there? A I own one myself.

Q You are a white man yourself? A Yes sir.

Q Citizen of the United States? A Yes.

Q You don't claim citizenship here? A No sir, I have made no claim to citizenship.

Q Where does George Flint live, your wife's brother? A He now lives in the Ottawa reservation in the Quapaw Agency.

Q How long has he lived there? A Three or four months.

Q Where did he move from? A Seneca. I mean he has been up there about two months.

Q How long had he lived in Seneca, Missouri, prior to his removal there? A I couldn't hardly say about that, I can't remember the exact date. Well, if you will allow guess work I would say ten or twelve years.

Q Where was he married? A The first time in Wyoming. He has been married twice.

Q Where was he married the first time? A The Ottawa Nation, Quapaw Agency.

Q You haven't mentioned George Flint as owning any improvements in the Cherokee Nation? A Not that I know of.

Q Now Mr. Laughlin, I want to ask you when you became personally acquainted with Mrs. Browning owning improvements in the Cherokee Nation, she is dead now, but when did you first know of your own personal knowledge? A When we went in.

Q When was that? A That was about the fall of '85.

Q Were you upon those improvements at that time? A No sir, I just got this from conversation with Mrs. Browning and Mr. Browning.

Q When did you first see their improvements? A I couldn't say.

Q Have you ever seen them? A Oh, yes.

Q When first? A That is coming down pretty close, - I couldn't tell you exactly when, but it must have been about some place from '88 to '90.

Q Are these the same improvements that you claim there also, namely their children own now? A Yes sir.

Q I believe you said your wife purchased, or you for her, improvements in about '93? A Yes sir.

Q Where are those? A They are north of Afton, about five miles.

Q Who did you purchase them off? A I purchased them of P. G. Browning.

Q Part of the same improvements he had made? A They are part of the improvements. This first improvements that he made, this eight hundred acres, is outside of the improvements I purchased of him.

Q Where was Browning and his wife married? A They were married in Delaware District, at the Clerk's office.

Q Where was Mr. Browning living at the time? A His home was in Seneca at that time.

Q What was his business at that time? A Well, I think he was in the saloon business at that time.

Q He has always maintained since that time some kind of business in Seneca, hasn't he? A Yes sir.

Q Does he own a home there? A Yes sir.

Q Well, you speak of his being interested in some lumber yards before in the Cherokee Nation. Did he also have one in Seneca, Missouri? A He had an interest in one at Seneca.

Q Did he own these in the Cherokee Nation or did he have an interest in them? A I don't know as to that; that is part of his private business, as far as he owning the whole business I couldn't say about that. It is understood that they are his lumber yards, that is as far as I know.

10-Levi C. Flint et al.

Q Mr. Browning's wife died, I believe you said, three or four years ago? A Yes, it is longer than that, I suppose.

Q About how long? A It must be about five years.

Q Since that time he remarried, didn't he? A Yes sir, he remarried since.

Q Do you know about when he married the last time? His last wife was a white woman? A Yes sir.

Q He married her some time prior to the first of last September?

A Yes sir, he married prior to September 1, 1908.

Q Where was he living at the time he died? A Seneca.

Q His children living there with him? A Yes sir.

Q Where did his first wife die? A She died in Seneca.

Q Now, after their marriage in 1883, up until each of them died, they lived in Seneca, Missouri, with their family, their children?

A Yes sir.

Q All of their children were born there? A Yes sir.

Q I mean Browning? A Yes sir.

Q Since before the birth of your oldest minor child you and your wife have also lived in Seneca, Missouri? A Yes sir, not continuously either for there was one year I spent in the territory in the government service, about '90.

Q In the Quapaw Agency? A Yes sir.

Q With that exception of one year you lived in Seneca, Missouri?

A One year or a year and a half, yes sir.

Q Now, is Mrs. Spencer living, I have forgotten? A Yes sir.

Q Where does she live? A She is at work in the Wyandotte Indian School.

Q She has been at work there, according to that letter, since August, '99? A Yes sir, I think it was August, '99.

Q Prior to that time where did she live with her husband? A Seneca.

Q Her father and mother were living in Seneca, Missouri, while she was off at Carlisle at school? A Yes sir.

Q They were living there at the time of her marriage? A Yes sir.

Q And subsequent to her marriage she continued to live there until her employment in the Government school in '99, is that true? A Yes sir.

Q I believe you say, her husband was killed in 1900? A Yes sir.

Q Was he a citizen of the United States? A Yes sir.

Q Did they own a home in Seneca? A No sir.

Q What was his business? A He was a traveling man; he was collector for the Deering Harvesting Machine Company part of the year, and part of the year for the Dowagiac Drill Co.

Q Where is Cartrude Flint? A She is at home at present.

She is with her father and mother.

Q Has she made that her home all the time? A Yes sir, she has made that her home.

Q Has she been out in the states, away from there? A Yes sir.

Q Where? A She took a course at Carlisle Institute, - I mean Ha kell Institute, Lawrence, and when she completed she was employed there one year, and two years she has been employed at Fond du lac, Wisconsin, at the Indian school, and she would have been there yet if it hadn't been for the health of her mother.

Q Her father and mother lived in Seneca, Missouri, and that was her home? A Yes sir.

Q When did this George Flint go to Wyoming? A I don't know.

Q Did you know him when you were married? A Yes sir.

Q Where was he then? A He was in the Ottawa Nation.

Q How long did he stay there after your marriage? A He was there until his wife died, I don't know just what year, but she died probably about two years after I was married.

Q And how long was it before he went to Wyoming? A A good long time after that, I couldn't say how many years. He worked around in that country about as long as I stayed in the Quapaw Agency, he worked around in the Peoria Nation.

11-Levi G. Flint et al.

Q When did you leave the Quapaw Agency? A In '84 the first time; and then after that he stayed there at what is called the Quapaw Mission School for some time; he was employed there for two or three years anyway.

Q Mr. Laughlin, do you know personally about the purchase of this improvement by Levi Flint and his wife and his daughter, Gertrude? A Yes sir.

Q Were you present? A I made out the contract.

Q From whom did they purchase it? A From P. G. Browning.

Q Their son-in-law? A Yes sir.

Q Did he give them a written contract? A Yes sir.

Q A Bill of Sale? A It wasn't exactly a Bill of Sale; it was a note in the shape of a contract and that note was redeemed and they got the payment.

Q How do you know? A From the fact that Browning told me so himself.

Q Do you know it personally? A I know it that way. He told me personally that the note had been paid, I didn't see it. I took his word for it.

Q You told me personally about it too? A Yes.

Q Were you ever on this land that these people purchased? A Yes sir.

Examination by the Commission.

Q When did you first get acquainted with Levi G. Flint? A In 1879.

Q Where was he then? A In the Quapaw Agency.

Q And you have known him ever since? A Yes sir.

Q Was he ever employed by the United States Government? A He was employed and was let out when I came there. There was several employees let out at the same time.

Q What was he doing? A A blacksmith.

Q Where? A At the Quapaw Agency.

Q He hasn't been employed in the United States Government then since 1879? A No sir.

Q Now, you say George L. Flint doesn't own any property in the Cherokee Nation? A No sir, not that I know of.

Q He hasn't lived in the Cherokee Nation since he went out with his father? A I couldn't say about that, any further than he has said he was in the Cherokee Nation about a year afterwards, and I don't know what year it was or where; I just have that from a conversation with him.

Q Now, you say that Preston G. Browning has lived in Missouri ever since his marriage? A Yes sir.

Q Does he rent his farm that he has here? A Yes sir.

Q He first acquired these improvements about '85 or '86? A About '85, I think it was in the fall of '85.

Q Have they owned them ever since that time? A Yes sir, with the exception of what I bought from them. The improvements that he claims now he owned them ever since.

Q You bought yours when? A In '93.

Q That is for your wife? A Yes sir.

Q And children? A Yes.

Q Have you rented them out since that time? A Yes sir.

Q Your wife has never lived in the Cherokee Nation since she left with her father? A No sir.



-12-Levi G. Flint et al.

Q And Gertrude F. Flint has never lived in the Cherokee Nation at all, has she? A No sir.

Q Now, when did you say that Mrs. Spencer acquired her improvements? A Well, about 1896.

Q The same time as her father? A Yes sir.

Q They rented them also? A Yes sir.

Q She has never lived in the Cherokee Nation since she left with her father? A No sir.

Q Now, none of these applicants have allotments up in the Quapaw Agency, or any of these agencies? A They have no allotments any place.

Examination by Mr. White.

Q The school which Mrs. Spencer attended at Carlisle, Pennsylvania, was the Indian school at that place? A Yes sir.

Q It is conducted under the United States Government? A Yes sir.

Q Her husband at the time of his death was in what employment?

A He was a private in the United States Army.

Q Does she draw a pension for his death? A Yes sir.

Q Was Gertrude a minor when she began attending the United States Indian school at Haskell; was she under eighteen years of age? A I am not sure about that; I guess she was over eighteen when she went there.

Q Can you fix the date of her birth? A In 1878.

Q And when did she go as a student, I mean to that school? A It is five years ago, I think since she went.

Q Didn't I understand you to say she was educated there? A She just took a normal course there for teaching; most of her education was received at Seneca.

Q Preston G. Browning is dead, is he not? A Yes sir.

Q When did he die? A The ninth of February, 1903.

Q How many acres are embraced within the improvements owned by Mrs. Laughlin? A About four hundred.

Q And by Mrs. Spencer? A By Mrs. Spencer about two hundred, I think. These are estimates we have to arrive at by a general knowledge of the outlines. You see these improvements don't occupy certain forties, some run on one forty and some on the other. But it is close to two hundred acres.

Q And how many, Levi G. Flint, Stella A. Flint and Gertrude, in their tract? A About one hundred and sixty as near as we can come at it.

Examination by Mr. Hastings.

Q Mr. Laughlin, were you present when Mr. Levi G. Flint drew any of the Cherokee strip money? A No sir, I wasn't present when he drew it.

Q Then what you stated about his drawing is from information you have received from others? A Yes sir, nothing than they had the money to use.

Q You didn't draw it yourself? A No sir.

Examination by the Commission.

Q You drew money for some of these parties? A My wife drew for herself and children.

Q Did you draw for any others? A I drew for all of them when the Cherokee paid their part.

Q That was for all of them? A Yes sir.

Q You mean for Levi G. Flint, his wife and all his children? A Yes sir, and even George Flint.

13-Levi C. Flint et al.

- Q And for Mrs. Spencer and her children? A Yes sir.  
Q And for Mrs. Browning's children? A Yes sir, Mrs. Browning and her children.  
Q And for your wife and your children? A Yes sir.  
Q Do you remember how much was paid to you? A No, I don't remember exactly, but it was the balance, whatever the balance was the Cherokees were paying.  
Q Something like fifty dollars a piece? A Yes sir.  
Q Where did you draw that money? A At Vinita.  
Q In '96? A I think it was in '96.  
Q Who paid it to you, do you know? A The Cherokee treasurer; I believe his name was Lipe.  
Q D. W. Lipe? A I don't know his initials; he was the Cherokee treasurer.

H. C. Miller, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name? A H. C. Miller.  
Q You live at Seneca? A Yes sir.  
Q What business are you in? A I am in the lumber business.  
Q You were associated with Mr. Preston G. Browning in that business at the time of his death? A Yes sir.  
Q Which occurred when? A The tenth of February.  
Q This year? A Yes sir, this year.  
Q Do you know whether or not Mrs. Browning and her children received their share of the payment, of the strip payment? A Yes sir.  
Q Do you know what became of that money? A Well, they invested it in the lumber business.  
Q Do you know when Mr. and Mrs. Browning first began making improvements in the Cherokee Nation? A Why, they established a lumber business at Prairie City in '85.  
Q When the next lumber yard? A The next lumber yard was at Chelsea in '87.  
Q And the next? A At Vinita, in '97.  
Q And the next? A And at Adair shortly after that.  
Q And the next? A Catoosa, along about a year after that.  
Q Is that all? A Then at Fairland in '91, and at Grove in '98.  
Q Is that all? A Yes sir, that is all the lumber yards.  
Q Then as to the farm? A He built his house in the winter of '85 and '86.  
Q Do you know how many acres he first had under fence? A No, I don't know how many acres he had.  
Q Do you know how many they had at the time of her death? A No, only by hearsay.  
Q Do you know whether or not they sold these improvements? A No, they haven't sold the improvements because I know that Mr. Browning was talking about that a short time before his death.

Examination by Mr. Hastings.

- Q When did he discontinue the business at Prairie City? A Well, I don't remember exactly, but it was to the best of my recollection about a year or a year and a half.  
Q After it was established? A Yes sir.

14-Levi C. Flint et al.

Q When was it discontinued at Chelsea? A It never was discontinued there.

Q It is a firm business in which Mr. Browning had some interest? A Yes, he established the business.

Q It was run in his name and he had some interest? A Yes sir.

Q In the Cherokee Nation you run it here in his name? A Yes sir.

Q He just had an interest in the business? A We had an interest in the business. You might continue it in there; he Superintended the business.

Q Did he have an interest in the business? A Yes sir.

Q Any financial interest in the business? A Yes, I couldn't tell you how much.

Q Why can't you? A I loaned Mr. Browning some money when he first went into the business and he had money from one other party that I know of, and I couldn't say!

Q Well, that is all over now, can't you tell what interest he had in this business, if any, what financial interest? A Well, because I don't know. I couldn't tell that exactly. I could tell what I let him have.

Q How much did you let him have? A In the first place about \$1600.00.

Q You never saw his farm or anything? A I was on his farm once.

Q When? A It has been several years ago. I don't remember, it was as much as eight years ago.

Q That was the only time you were ever one it? A Yes sir.

Q And all the rest you state is what he told you or others told you? A Yes, you might say that to a certain extent. Yes, I know all about his building a house, his lumber and a carload of posts that he bought.

Cyrus C. Gornatzer, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A Cyrus C. Gornatzer.

Q And where do you live? A Vinita.

Q How long have you known Levi C. Flint and Stella A. Flint? A All my life.

Q How old are you? A About fifty years old.

Q You knew them in Kansas? A Yes sir.

Q They were recognized Shamees there? A Yes sir.

Q Do you know when they came to the Cherokee Nation? A Yes sir, they came down in '71 when we all came down.

Q Before June 7th? A Yes sir.

Q Did you know them while they were in the nation? A Yes sir.

Q What did Mr. Flint do for a living when he first came to the Cherokee Nation? A Farming.

Q How long did he continue to farm? A Why, up until the time before he left up there. I think it was in '74 when he left.

Q Do you know what his financial condition was at that time? A He was like the rest of us, lost all his horses and quit farming.

By W. W. Hastings: Objected to by the Cherokee Nation on the grounds as being immaterial.

Q Do you know when he left the Cherokee Nation? A In the fall of '74.

Q What, if any property, did he leave in the Cherokee Nation when he left, that you know of? A He left a little place there.

A house and he had about — I don't know how much he did have in cultivation.

Q How much did he have fenced if you know? A I couldn't hardly say, I thought about ten or twelve acres.

15-Levi C. Flint et al.

Q He left the house behind? A Yes sir.  
Q And the fences? A Yes sir.  
Q Do you know of any other property that he left? A No, I don't know; I heard he left his cattle with Weaver, but I don't know; that is hearsay.

Examination by Mr. Hastings.

Q What became of his house and that little place that he owned?  
A I don't know. I think Landrum bought the house.  
Q You didn't know it had gone to Johnson Thompson for a store bill?  
A I don't know.  
Q Didn't Johnson Thompson afterwards have it in his possession?  
A I don't know about that; I know Landrum bought the house, but I don't know who he bought it from.  
Q Was the field improved, or wasn't the house burned up? A No, Landrum moved the house on his place.  
Q Moved it away from this place? A Yes sir.  
Q The place then that the house was on went back to the public domain? A I don't know, I don't recollect; he bought it.  
Q You don't know how long afterwards? A Bill Davis owns the place now.  
Q You don't know whether it first went back to public domain, or afterwards taken up, or how? A No sir, I don't know how it was disposed of. I moved away from them afterwards.

By Mr. White: Johnson Thompson is dead, is he not? A Yes sir, that is what I heard.

John Weaver, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name, John Weaver? A John Weaver.  
Q Where do you live? A Vinita.  
Q How long have you known Levi and Stella A. Flint? A About thirty-two years, I guess, about thirty-two or thirty-three; I have known them since '71.  
Q You knew them when they came in from Kansas to the nation? A I knew them right afterwards.  
Q You knew them while they lived in the nation? A Yes sir.  
Q What was Mr. Flint doing for a living at that time; when he first came what did he do for a living? A He was trying to farm a little, I think.  
Q Were you one of his neighbors? A Yes sir.  
Q Did you visit his place often? A Yes sir.  
Q How often? A About once a week.  
Q Do you know why he quit farming? A I think his stock all died on him and his horses and he didn't have anything to buy anymore to carry on his business.  
Q They were at this time in bad financial condition, were they? A Yes sir, I considered them so.  
Q Do you know where he went from the Cherokee Nation? A He went up into one of those little agencies up there, I don't know which one.  
Q What, if any, property did he leave in the Cherokee Nation when he left? A He left a house and a cow and a yearling.  
Q He left the cow and the yearling with you, did he? A Yes sir.  
Q What did you do with them? A I left them until they were increased to thirteen head and I bought them from him.

Q How long did that take? A It must have taken something like eight or ten years; it was so long I couldn't tell exactly how long it was.

Q Have you ever visited Flint and his wife at Seneca? A Yes sir.

Q Did you ever have a conversation with either of them in which they stated whether or not they intended to return to the Cherokee Nation? A No, I never had a conversation with them about that.

Q Not with Mrs. Flint? A No sir, I never did myself.

Q Well, who did? A I heard my wife had a conversation with the old lady about that.

Q It was in your presence then? A Yes sir, it was in my presence.

Q What, if anything, in that conversation did Mrs. Flint state in regard to her intention and her husband to return to the Cherokee Nation? A

By W.W.Hastings: Objected to by the Cherokee Nation because it is hearsay, because it is immaterial and because it is self serving.

By Commission: Objection will be noted.

By Mr. White: The evidence is offered as the best and only evidence of the intention of the party at the time.

By Mr. Hastings: The objection is made to this because the Cherokee Nation believes that the subsequent conduct of these people show that that intention was untrue.

A I heard my wife ask her when they were going to move back and she said they were trying to get ready to move back as quick as they could; that is all I heard said about it.

Q When was this? A Why, that has been about, I think eight or nine years ago.

Examination by Mr. Hastings.

Q They never did move back, did they? A No sir.

Q They still live in Seneca, Missouri? A Yes sir.

Q These people were very poor when they left the Cherokee Nation?

A Yes sir, I considered them very poor.

Q In needy circumstances? A Yes sir.

Q And still they left the only cow and calf they had with you?

A Yes sir.

Q Never had another cow and calf? A I don't know what they had after they left here; that was all they had when they left here though.

Q What became of that little place they were living on? A Well, sir, really I think it was moved off, I don't know.

Q Don't you know Thompson - Johnson Thompson - got it for a store debt? A I don't know, it was moved off.

Q Who took charge of it? A I couldn't say.

Q The house was moved off the place and gave up development? A Yes sir.

Q And reverted to public domain? A Yes sir.

Q And some one else afterwards settled on it? A Yes sir.

Q About how many rooms were in the house? A Two rooms, a frame house.

Q What was it worth? A I would judge at that time it would cost something like four hundred or five hundred dollars.

Q A two-room frame house? A Yes sir.

Q Was it painted? A I think it was.



Q Do you know? A I aint certain, but I think it was painted; it was a two-room house.

Q Don't you know there wasn't a painted house in this country in '71 or '2? A Yes, there was then.

Q How far was it from Vinita? A This old man Roger's place.

Q I aint asking you about that. I am asking how far from Vinita?

A It was twelve miles.

Q You lived adjoining it, did you? A Yes sir, right close to it.

Q You kept this cow eight or ten years? A Yes sir.

Q And then you bought it and paid him for it? A Yes sir.

Q And that is the end of it? A Yes sir.

Q Now this little place, this cow and calf was the only property he left there, was it? A Yes sir, that was all I knew he had.

Examination by the Commission.

Q When did you say this conversation took place? A This was in Seneca.

Q Eight or nine years ago? A Yes sir.

Q When he left this cow and calf with you did he say anything about coming back? A Yes sir, that was his intentin.

Q What did he say? A He wanted me to keep the cow and calf until he come back.

Q What did he say to you? A Why he just simply told me to take the cow and calf until he come back, for me to take it for him, that was our understanding.

Q How much of a farm did he have there? A I think there was about eight or ten acres; that was a pretty good farm them days.

Q In cultivation was it? A Yes sir.

Q What time of the year did he move? A I think it was in the fall of the year.

Q Did he make any crops on the farm? A No sir, I don't think there was; I don't think there was any crop on it.

Q When was this house moved? A It was gone before I knowed it as one hardly. But I rather think it was probably along in the spring of '75.

Q That was the year after they moved? A Yes sir, six months or a year afterwards.

Q Where did you buy these cattle from him, while he was in Seneca? A No sir, I bought them right on my own place.

Q Did he come back? A Yes sir.

Q And sold them to you? A Yes sir.

Q Was that the time you had the conversation with him,-- your wife had the conversation with his wife? A No sir.

Q Did he say anything at that time about coming back? A- No, I didn't hear him say anything about it at that time, I don't believe, since he come down to see about the cattle.

Q Have you been up to his home at Seneca? A No sir, I haven't been up there.

Q Wasn't that where you had the conversation with him? A That was afterwards.

Q You have been up to Seneca? A Yes, I have been up there.

Q Has he got a farm there? A No sir, I haven't a farm there.

Q Has Flint got a place up there? A I couldn't say whether he has or not.

Q What does he do for a living? A He blacksmiths up there for a living.

Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days.

By Commission: Applicant will be allowed five days to present evidence of the readmission to citizenship of the applicants in these cases, if he so desires. The Cherokee Nation will likewise be allowed to introduce testimony that they were not reinstated.

By W. W. Hastings: The Cherokee Nation desires to offer in evidence Section 761 of the Compiled Laws of the Cherokee Nation found in the Compilation of 1892, pages 376 and 377, as follows:

"All improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place, for the term of one year, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall thenceforward be considered their lawful property; provided, nothing in this act shall be so construed as to impair the rights of orphans."

The Cherokee Nation offers in evidence Section 228 of the Compiled Laws of the Cherokee Nation of 1892, page 136 of the Compilation of 1892:

"Judgment shall not be rendered for the recovery of any improvement upon the public domain in any suit brought before the courts of this Nation, unless such suit be instituted, as required by law, within three years next after the time at which the right of bringing suit for the recovery thereof, or the cause of action shall have accrued to the person claiming the same, or to the person through whom he claims, saving to minors and persons 'non compos mentes,' the three years named above after the removal of their disabilities."

By Commission:

Applicant desires to have the testimony taken in this case filed and made a part of the record in the following cases: George L. Flint, Cherokee R-680; Gertrude F. Flint, Cherokee R-675; Lydia K. Spencer et al., Cherokee R-676; Preston G. Browning et al., Cherokee R-678, and Rebecca L. Laughlin et al., Cherokee R-677; and it is so ordered.

By Mr. White: I state that I have gone through the Executive Office of the Cherokee Nation where certain books were shown to me purporting to be acts of the Cherokee National Council for the years 1879 and 1880 and for the year 1896; that the Clerk in custody of those records stated that they were the only records he had and I wish to object at this time to the introduction of any transcripts of those records, or to any certificate that as to whether what does or what does not appear of record, for the following reasons: First, that the records bear upon their face the evidence of having been carelessly kept; second, that in some instances they purport to be signed by the various officials of the Cherokee National Council, but an inspection shows that the handwriting of all the signatures are the same, and they were therefore not signed by the officials them-



selves; third, nowhere in such records does it appear that the records contain all of the acts of the Cherokee National Council; fourth, there is no resolution of the Cherokee National Council showing that the records as kept contain all of the acts of the Cherokee National Council; fifth, in the absence of this matter of identification I will further object to the introduction of them unless the handwriting is proven; further, I am compelled to live the city at once and consent that Mr. Hastings, for the Cherokee Nation, may introduce J. T. Parks, as a witness, who is the Executive Secretary, in my absence.

---

Evidence taken on part of the Cherokee Nation on

MAY 26, 1903.

Cherokee Nation represented by W. W. Hastings; No appearance of W. H. White, Applicant's Attorney.

Andrew B. Cunningham, being duly sworn and examined, testified as follows:

By W.W.Hastings: Your name is Andrew B. Cunningham? A Yes sir.

Q What is your age? A Thirty-two.

Q What is your postoffice? A Tahlequah.

Q What official position, if any, do you hold? A I am Assistant Executive Secretary of the Cherokee Nation.

Q Who is the Principal Executive Secretary? A J. T. Parks.

Q Is there another Assistant Executive Secretary in addition?

A Yes, J. L. Garrett.

Q Are you all three the custodian of the records of the Executive Department of the Cherokee Nation equally? A Yes.

Q I will ask you if Mr. Parks is present and in the town of Tahlequah at this time? A He is not.

Q When did he leave town? A He left town Tuesday noon.

Q Last Tuesday at noon? A Yes sir.

Q I will ask you if he is expected to be gone some days? A He told me he would be back about Sunday or Monday.

Q This coming Sunday or Monday? A Yes sir.

Q Where has he gone? A He went to his farm way up on the Missouri line. He went around by the way of Vinita with his family and he probably stopped there for a day or so; his wife and baby went with him.

Q Well, you have already stated that you are custodian of the records along with J. T. Parks and your other Assistant Executive Secretary of the records of the office of the Cherokee Nation? A Yes sir.

Q Are you the custodian of the acts of the Cherokee National Council? A Yes.

Q Mr. Cunningham, what has always been the practice, or how are the acts of the National Council kept after they are passed or enacted into law, are they transcribed in any books for preservation?

A Yes, the custom of the Cherokee government when an act is passed by the National Council and approved by the Chief it is turned over to the Secretary and transcribed into a book marked "Laws of the Cherokee Nation" from a certain date to a certain date. In many instances these original acts are returned to the

house in which they originated; I don't know where they are; there may be some old acts in the Senate safe or Council desks, but in many instances they were returned; that was the custom many years ago. We have some of them on file of late years.

Q Have you examined the original records of the Executive Department in which the acts of the National Council are kept for the years, say from 1875 to 1880 inclusive? A Yes, I examined the acts in that book. (Book presented before the Commission.)

Q Is this the book you present here? A Yes sir, we recognize this as the record of law from 1875 to 1880.

Q So far as you know does that contain all the law between those dates? A As far as I know it does, yes; that is all except 1880 and I have another record over there with the balance of '80.

Q Then it contains all the law from '75 to 1880 inclusive except a few in 1880 which is continued in another book? A Yes sir.

Q I will ask you if these records bear upon their face that they have been carelessly kept? A No, I don't think so. I think the records in those days were much better kept than they are at present.

Q I will ask you if any of the laws which are copied into these records which you present here to the Commission were ever signed by the Council officials, or were they copied in here by the Executive Secretary? A The Executive Secretary simply had one of his Assistants copy this act as approved by the Principal Chief, and all of those names were copied right off into a book, and in many instances these original acts were sent back to the Council. It used to be the custom to return them at once as soon as they were transcribed.

Q Well, these acts were compared with the original? A Yes, it was the custom for the Assistant to copy or transcribe an act and there was an Assistant there to compare it; that was the way we worked them things.

Q Do these records purport to contain all of the acts of the National Council between these dates of which you stated? A They do.

Q Was it ever regarded as necessary that the National Council pass a resolution certifying that these books were correct copies? A I never knew of anything like that, or of it deemed to be necessary.

Q Now you state that you examined these laws from 1875 to 1880 inclusive and also the acts of 1886. I will ask you if these records contain any act or resolution or action of the Cherokee National Council readmitting to citizenship or reinstating a Levi C. Flint to citizenship in the Cherokee Nation? A I have, ~~has~~ examined these records and fail to find any such record.

By Mr. Hastings: Here the Cherokee Nation tenders the original records testified of by A. E. Cunningham, Assistant Executive Secretary of the Cherokee Nation, to the Commission for inspection and for such remarks as the Commission might find necessary to make with reference whether or not they have been carelessly kept or whether or not they have been well preserved inasmuch as objection was made to them upon this ground by the attorney for the applicant in this case.

Q The record in this case shows that Levi C. Flint's wife's name was Stella A. Flint and they had children by the names of George Flint, Rebecca, Lydia K., Sarah E. and Gertrude. Rebecca afterwards married a man by the name of Laughlin; Lydia married a man by the name of Spencer, while Sarah E. married a man by the name of Preston G. Browning. I will ask you to examine the records of these dates above referred to and see whether or not they show that

21-Levi C. Flint et al.

any members of this family were admitted to citizenship or reinstated to citizenship in the Cherokee Nation? A I have examined these records from '75 to '80 and I find no record of any of those parties mentioned being admitted or readmitted. I find no records of admission of any of those parties in 1896, or '80, from '75 to '80 and 1896.

Q Well, you found no record of any of those parties being admitted at any time, but you examined those years particularly and you did not find them? A I examined those years and I find those parties not admitted. I examined the acts from 1875 to 1880 inclusive and the acts of 1896.

By the Commission: The Cherokee printed list of persons admitted or readmitted to Cherokee citizenship by the National Council and Cherokee Commissions on citizenship in the year 1880 and since that year, which list is now in possession of this Commission, has been examined for the names of the applicants in these cases, and such examination fails to disclose any of the names of the applicants.

By W.W. Hastings: The representative of the Cherokee Nation here desires to answer the objection made by Counsel for the applicants and states that it is untrue that the records bear upon the face that they are carelessly kept, and said original records are hereby tendered to the Commission for its inspection, and we contend that the records show that they have been well preserved and that they have been carefully kept, that all of the laws were transcribed into them carefully, using good penmanship, and that they are properly indexed. And in answer to the second ~~question~~ objection of counsel for the applicant it is not contended by the Cherokee Nation that these are the original acts of the National Council, but is explained by the witness on the stand that these records contain the acts of the National Council transcribed by the sworn officials of the Cherokee Nation into these books for safe preservation and only purport to be copies of the original acts. And in answer to the third objection it is contended that these books do purport to contain all of the acts of the Cherokee National Council and it is not shown by the applicants that any act of the National Council was ever passed during these dates that is not found in these books. In answer to the fourth objection it is contended that no resolution was necessary to be passed by the Cherokee National Council authenticating these acts and were transcribed under the supervision of the Principal Chief of the Cherokee Nation by sworn officers of the Cherokee Nation in whose custody they still are. In answer to the fifth objection that they are inadmissible unless the handwriting is proven, we say then that it would be necessary for all officials to live forever if that were true, because when he dies the record will die with him, and one of the main objects for keeping records is to preserve them after the death of the parties who made them.

---

22-Levi C. Flint et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. [Signature]

Subscribed and sworn to before me this 1st day of June, 1905.

Samuel Foreman.

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., September 17, 1900.

In the matter of the application of Preston G. Browning for the enrollment of himself and three children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Preston G. Browning.

Q What is your age? A Forty-eight.

Q What is your post-office address? A Seneca, Missouri.

Q What district do you reside in? A Delaware District.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q By blood or by marriage? A By marriage.

Q For whom do you apply for enrollment? A Myself and three children.

Q What was the name of your wife? A Sarah E. Browning.

Q What was her name before you married her? A Sarah E. Flint.

Q Is she living? A She is dead.

Q She a Cherokee citizen by blood? A No sir, she was a Shawnee, sister to these other girls.

(Note: Other girls referred to, Gertrude Flint and Lydia K. Spencer, Shawnees.)

Q Was she a recognized sister of the Cherokee Nation?

A Yes sir

Q When did you marry her? A 1883.

Q By what law? A Cherokee law.

Com'r Needles: The applicant presents certificate of marriage certifying that he was married to one Nellie Flint, a Cherokee citizen by blood, on the 7th of October 1883, license and certificate being in due form.

Applicant: They have got the name mixed, it is Sarah Ellen and that have got it Nellie.

Q What are the names of your children? A Thomas E. Browning, aged fifteen; Ben F. Browning, twelve. Queen Ester Browning, nine years old.

Q That all? A Yes sir, that's all.

Q Are these children alive and living with you? A Yes sir.

1896 roll page 566 #88 Press G. Browning, Delaware District;

1896 roll page 599 #86 Sarah E. Browning Delaware District;

1896 roll page 599 #87 Thomas E. Browning Delaware "

1896 roll page 599 #88 as Benjamin F. Browning, " "

1896 roll page 599 #89 as Ester Browning, " "

Q Your wife's name does not appear upon the authenticated roll of 1880: by what right does she claim citizenship in the Cherokee Nation? A She is a Shawnee; come in here in 1870.

Com'r Needles: In the register of names of Shawnees who moved to and located in the Cherokee Nation prior to the 10th day of June 1871, within two years from the 9th day of June 1869, under the 15th article of the Cherokee Treaty with the United States, #327, is found the name of Sarah C. Flint, which was the maiden name of Sarah E. Browning, she being now deceased.

Examined by Cherokee Attorney Hutchings:

Q Where were you residing when you married your wife? A In Seneca, Missouri.

Q You were at that time a citizen of the State of Missouri?

A Yes sir

Q And you have never moved from that place at all? A No sir I don't believe I have.

Q You have never resided a day in the Indian Territory except on a visit? A Oh yes, I have been in here half the time, I think, since I was married, but my home was in Seneca.

Q That's what I mean, you always make your home in Seneca?



A Yes sir.

Q Have you ever voted at the municipal elections there?

A Yes sir.

Q Since you married this woman? A Yes sir.

Q Where was she residing when you married her? A Seneca, Missouri.

Q And had been a long time prior to that? A Yes sir, there and the agency.

Q She resided for a short time in the Cherokee Nation after she and her father came here from Kansas with the Shawnees? A I think about six years.

Com'r Needles: The name of Preston G. Browning appears upon the census roll of 1896 as an intermarried white man; the name of his wife, Sarah E. Flint also appears upon the census roll of 1896 as well as the names of their children, Thomas E., Ben F. and Queen E. as indicated in the testimony; the name of his wife is also found on the list of Shawnees, more particularly described in the testimony; they are duly identified upon the rolls as indicated in the testimony; satisfactory proof as to their residence has not been made, consequently the name of Preston G. Browning and his children, Thomas E., Benjamin F. and Queen E. will be placed upon a doubtful card, and final judgment will be suspended.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 19 day of September 1900.

T B Needles

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes.

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and correct copy on the original on file in the office of this Commission.

Maud Cotner

Subscribed and sworn to before me this the 6<sup>th</sup> day of August, 1903.

Edward Morris  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of Preston G. Browning for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

P. G. BROWNING, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A P. G. Browning.

Q How old are you? A 49.

Q Your postoffice address? A Seneca, Missouri.

S. S. Clover: State if Mrs. Browning ever owned any property or not at the time of her death, in the Cherokee Nation? A Yes, sir.

Q What was it, farm or personal? A I had a business in there, farm, and two or three lumber yards.

Q How much property do you think there was in value that you had there in the Cherokee Nation? A At the time she died?

Q Well, now and then? A Thirty thousand I guess.

Q Thirty thousand dollars? A Twenty-five or thirty.

Q Have you ever voted in the Cherokee Nation? A Yes, sir.

Q Did you ever pay any taxes? A Yes, I have paid taxes. Q Paid permit taxes for merchandise? (No response.)

Q Did your wife ever become a member of any other government than the Cherokee Nation? A Not that I know of.

Q Under what name was your wife enrolled on the roll of June 10, 1871, the Shawnee roll? A On the old Shawnee roll?

Q Yes, sir? A Sarah E. Flint.

Q Do you know whether your wife and children were ever on the roll made by John W. Wallace? A Yes, sir, they are on the roll.

Q Was you ever on the roll made by James Dixon? A Yes, sir.

Q Was you ever on the roll made when the payment was made by Treasurer Lipe of the Cherokee Nation? A Yes, sir.

Q Did your wife or you receive payments on all those rolls? A Yes, sir.

W. W. HASTINGS: Married since you enrolled, haven't you? A Yes, sir.

Q Your present wife is a white woman? A Yes, sir.

Q What is her name? A Her name was Helen Williams before she married.

Q When did you acquire any improvements in the Cherokee Nation? A 1884 I believe.

Q When were you married first? A 1883.

Q Where did you get a farm? A Right north of Bill Howes.

Q Owned it ever since? A Yes, sir.

Q Own it now? A No, I don't know that I have the one that I first improved on now.

Q How long did you retain it? A Oh, I guess ten years before I sold it.

Q Most of this property that you told Mr. Clover that you had was composed of lumber yards? A Yes, sir.

Q In towns, incorporated towns? A Yes, sir. Most of it.

Q Did the non-citizens own lumber yards in towns in the Cherokee Nation? A I believe they do now; they didn't then though; no, they couldn't do it then.



Q I believe you lived, you state, in Seneca, Missouri, when you married, and have lived there ever since? A Yes, sir.

Q Live there now? A Yes, sir.

COMMISSION: There is offered in evidence a certified copy of a marriage license issued by J. H. Hughes, recorder, County of Newton, State of Missouri, on the 19th day of September, 1900, authorizing the marriage of P. G. Browning and Elizabeth H. Williams, and a certificate certifying that they were married by E. C. Wilson, a minister of the Gospel, on the 19th day of September, 1900. This license and certificate is offered in evidence by the representatives of the Cherokee Nation present, and it is filed herewith.

COMMISSION: Do you submit this case to the Commission for final consideration?

S. S. CLOVER: Yes, sir. No, we want to furnish certified copies of the roll of Wallace, and Dixon and Lipe Rolls. We will send them here to you.

COMMISSION: Upon an examination of the pay roll of Cherokee Shawnee citizens, as disbursed by D. W. Lipe, treasurer of said Nation, authorized by an act of the National Council, approved March 30, 1896, the following names appear on page 7: Sarah E. Browning, Thomas E. Browning, Ben F. Browning, and Esther Browning, numbered 146, 147, 148, and 149, respectively.

The attorney for the applicant will be granted fifteen days from date hereof in which to furnish the Commission with certified copies of the roll made by John W. Wallace and the roll made by James G. Dixon of the Cherokee-Shawnee citizens. The attorney for the applicant, and also the representatives of the Cherokee Nation, submit this case to the Commission for final consideration, and it is ordered closed and reported to the Commission for final consideration upon the evidence now filed in addition to the certified copies of the rolls which the attorney for the applicant desires to file.

W. W. HASTINGS: Mr. Browning, where were the children for whom you apply born? A They was born in Seneca, Missouri.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of February, 1902.

T B Needles  
Commissioner.

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and correct copy of the original on file in the office of this Commission.

Subscribed and sworn to before me this 6th day of August, 1903.

*Maud Cotner*  
*Edward Morris*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.

Muskogee, I. T., April 9, 1902.

In the matter of the application of  
Preston G. Browning for the enroll-  
ment of himself as a citizen of the  
Cherokee Nation by intermarriage and  
of his children as citizens of the  
Cherokee Nation by Shawnee blood.

Cherokee D. 314.

Brief on behalf of the Cherokee Nation.

#####

Preston G. Browning is a white man, and since he made his application subsequent testimony shows that he had married a white woman, and therefore if he ever had any rights he forfeited them under Section 666 of the Compiled laws of the Cherokee Nation, 1892, to which reference is made.

As to his children: Their mother was the daughter of Levi C. Flint, whose case is Cherokee Doubtful No. 315. The mother of these children was married to Preston G. Browning in 1883 in Seneca, Missouri, where she continued to live until her death, and where all of these children were born, and where they live at the present time. They have never lived in the Cherokee Nation, and certainly have never acquired citizenship in the Cherokee Nation. Their father states that he continued to exercise the rights of citizenship in the state of Missouri after his marriage to their mother the same as he had before by voting in the municipal elections and otherwise exercising the right of citizenship in the state of Missouri.

The domicile of the child is that of the father, and in American and English Encyclopedia, page 866, it is stated: "An infant can not of his own accord change his domicile, but it changes while the father is living with the domicile of the father". The residence of the father as well as the actual residence of these children was in Seneca, Missouri, and Section 21 of the Curtis Bill provides that no person who has not heretofore removed to and in good faith permanently located within

the limits of the Cherokee Nation shall not be enrolled. It is difficult to conceive upon what theory the enrollment of these children could be asked. As contended in the case of Levi C. Flint, Cherokee D. 315, the mother of these children may have had some right in 1871, but she clearly forfeited it by marrying in the state of Missouri and by her continuous residence there subsequent to that time.

Reference is made to the brief filed in the case of Levi C. Flint, Cherokee Doubtful No. 315.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

---

Department of the Interior,  
Commission to the Five Civilized Tribes.

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of brief on behalf of Cherokee Nation, offered in evidence in the matter of application for enrollment of Cherokee D 314, and that the same is a true and complete copy of the original on file with this Commission.

Maud Cotner

"Subscribed and sworn to before me this the 6<sup>th</sup> day of August, 1903.

Edward Morris  
Notary Public

CHEROKEE-----

D., ---314.

P. O. Browning, et al,

Cherokee-Shawnees.

Applicant.

Sarah E. Browning, daughter of Levi C. Flint and Estella Flint, Cherokee-Shawnees by blood came to the Cherokee Nation prior to June 10, 1871, under the 15th Art. of Treaty July 19, 1866, and the agreement between the Cherokees and Shawnees approved June 9, 1869. Enrolled on the Cherokee-Shawnee Register Roll of June 10, 1871.

327, Flint Sarah E.

On the Cherokee-Shawnee Roll made by J. W. Wallace:

260 Flint, Sarah Ellen, Age 30.

On the Cherokee-Shawnee Roll made by J. G. Dickson:

142, Browning Sarah E, Head 36 F.

143, Browning, Thomas E, Son, 11, M.

144, Browning, Ben F., Son, 9, M.

145 ,, Ester, D. 5, F.

On the Cherokee Census Roll of 1896.

On the (Lips) Cherokee-Shawnee Roll made under an Act of the Cherokee National Council, approved March 30, 1896.

146, Sarah E. Browning.

147 Thomas E. Browning.

148, Benjamin F. Browning.

149, Ester Browning.

Received Payment on All Rolls.

Moved with her parents to the Quapaw Agency, Indian Territory, while a minor and married and moved to Seneca, Missouri, where she lived until she died.

All of her children were born in Missouri. She and her husband had \$25,000 worth of property in the Cherokee Nation.

--2--

Never became a citizen of any other Government but the Cherokee Nation. She married P. G. Browning in 1883, and lived with him until she died January 23, 1899.

These applicants are Cherokee-Shawnees by blood, who became citizens of the Cherokee Nation "on equal terms in every respect with Native citizens."

15th Article Treaty July 19, 1866.

BLANCHARD vs. CHEROKEE NATION, 155 U. S. 218.

They became citizens of the United States by operation of law, but their Tribal and other property rights are protected.

24 Stats. at L. 390, Amended March 3, 1901.

25 " " 392.

And previous to the passage of said laws, they could not become citizens of the United States.

ELK vs WILKINS, 112 U. S. 94.

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other Government, all his rights and privileges as a citizen of this Nation shall cease."

CHEROKEE CONSTITUTION, Art. 1, Sec. 2, p. 12, Cherokee Laws.

To remove out of the limits with his effects must mean all, not part. The decisions of the Courts of this Territory hold that the improvements on the public domain are personal effects. The citizen to remove and join any other government must be of age, free and his own master, and not a wife, minor, incompetent, or under control or restraint. He must have the necessary qualifications to comply with the law of naturalization of the "other government." He must join another government and remove his allegiance to the Cherokee Nation.

The temporary residence under the jurisdiction of the "other government" does not make him a citizen thereof, any more than a residence of a Creek Indian in the Cherokee Nation makes him a citizen of the Cherokee Nation and entitles him to participate in the final allotment of lands and distribution of the common property of the Nation.

These applicants have never joined "any other Government," nor have they ever received any payments or allotments of land among any tribe or Nation.

"He must not only remove his effects, but he must become a citizen of another government."

ASSIST. ATTY. GEN'L. LITTLE, 8th ANNUAL REPORT.

Are we to judge by the practice in the Cherokee Nation? Then the evidence of D. W. Bushyhead, ex-Principal Chief of the Cherokee Nation, before the Clifton Commission, Freedmen Enrollment, 1896, shows that he went to California in 1849, leaving effects in the Cherokee Nation, a slave, horse and saddle. Voted and held office in California, and returned after 19 years absence, and found slave freed, horse dead and saddle lost. He was appointed and served two terms as treasurer of the Cherokee Nation, and was elected and served two terms as Principal chief, and never was re-admitted.

These applicants were under restraint and could not act of their own free will.

That clause of the Cherokee Constitution never intended to destroy the happiness of the marriage relationship by compelling the wife to separate and live apart from her husband and children and to deny herself of his support, under the penalty of the forfeiture of her tribal citizenship, and other property purchased by her pro-rata share of Shawnee funds paid to the Cherokee



Nation. The removal of a minor by guardian or parents does not de-citizenize the minor until he becomes of age and makes his choice.

Indian children born in Arkansas or Missouri do not become citizens of these states by reason of their Indian allegiance, but their parents must be citizens of the United States to be a bona fide citizen of either state. The act of temporary residence of their parents did not constitute them bona fide citizens of Missouri, for their parents were not citizens of the United States, and could not be made a citizen thereof unless by some special act of Congress or a Treaty stipulation. The authorities on this question are undisputed.

Even, after the parents became citizens of the United States by reason of the Act of Congress, as Amended March 3, 1901, all their Tribal property and rights were preserved for them. Indian children born in the Cherokee Nation do not become Cherokee citizens.

By the laws of the white man, the sins and omissions of the parents are visited upon the heads of their children. Strange to say, but by Indian law, more particularly the Cherokee laws, are always in favor of their children. They abound with "Provided, That nothing in this Act shall bar minors and orphans."

"The descendants of Cherokee men by all free women, whose parents may have been living together as man and wife," p. 14, Cherokee laws, and Sec. 692, p. 346.

Unlawful marriages are absolutely void, but, "Provided That the issue from such marriage shall nevertheless be legitimate provided, also, that when a man, having by a woman

one or more children, shall afterwards inter-marry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate." Or page 267, in regard to wills, "saving to minors and persons 'non-compus mentes' one year to contest such will, after the removal of their disabilities."

The Indian loves and protects his children and their rights and no better example can be shown than by reading exhibit "G" being an authorized copy of the decision by the Tahlequah Circuit Court, Cherokee Nation, in the case of Johnson vs. Harris, Principal Chief.

These applicants in view of their rights, and not for the purpose of denying rights to others, call your attention to the fact that almost all of the Cherokees born prior to the Civil war, did remove with their effects out of this Nation, and that large numbers of the births during 1861 to and including 1866, took place in the neighboring States, Territories or Tribes, out of the jurisdiction and "limits" of the Cherokee Nation, and that the records of the National Council fail to show their re-admission; and their sole claim now rests upon the authority of Congress in making the "Authenticated Roll" as evidence of their Cherokee citizenship, but these applicants do not ask or pray that you strike them off the final Roll by reason of their non-residence or misfortune of birth, or the disregard of the National Council in not re-admitting them to citizenship, but pray that the reasons and facts given will aid them in their petition for enrollment. Are not these quotations of Cherokee Constitution and law seemingly out of place in face of this Section of the Curtis Act?

"Sec. 26. That on and after the passage of this Act the laws of the various Tribes or Nations of Indians shall not be enforced at law or in equity by the Courts of the United States in the Indian Territory."

The commission, acting in the capacity of a Court for

the enrollment and as judges of the rights of the applicants, cannot enforce the Cherokee Constitution and laws against the rights of these applicants whose claims rest on Art. 15, Treaty July 19, 1866.

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."---Curtis Act.

This applies to State, Territorial, and Tribal boundaries, and makes absolute, without previous notice the confiscation of the property and rights of all Indians who were absent prior to June 28, 1898.

"No person shall be deprived of life, liberty or property without due process of law."--Fifth Amendment to Constitution.

"This article is a restraint upon the legislative as well as the executive and judicial branches of the government, and cannot be so construed as to leave Congress free to make any process 'due process of law.'"

"These words generally imply and include regular allegations, opportunity to answer, and trial according to some settled course of judicial proceedings."

MOWREY vs HOBOKEN L. & I. Co.---18 Howard, 296.

The striking off of the names of these applicants from the rolls forever prevents them from participation in the final allotment of lands and other common property of the Cherokee Nation, and confiscates their present holdings without compensation or "due process of law."

These Indian applicants became citizens of the United States by virtue of the Acts of Congress.

24 Stat. at L., 390, Amended March 3, 1901.

"Every Indian in the Indian Territory, is hereby declared to be a citizen of the United States, and is entitled

to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, or otherwise, member of any Tribe of Indians within the Territorial limits of the United States, without in any manner impairing or otherwise affecting the rights of any such Indian to Tribal or other property."

By the law quoted Congress (by implication) repealed that portion of the Curtis Act, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation to which he claims citizenship." These applicants were granted "all the rights, privileges and immunities" of citizenship of the United States.

There is no law compelling citizens of the United States to remove to and settle in good faith in the States, Territory or Nation in which he claims citizenship. All citizens of the United States were privileged on June 26, 1898, and at all times before and since, to move to and reside in any State or Territory, without any forfeiture of any of their rights or property.

If that part of the Curtis law is now in force, then these applicants, citizens of the United States, are denied some of the rights, privileges and immunities that they should enjoy and are entitled to.

The Tribal rights of these applicants are protected by said amended Act, "without in any manner impairing or otherwise affecting the rights of any such Indian to Tribal or other property."

This amended act repealed the destructive and unconstitutional clause of the Curtis Act quoted, or otherwise these applicants are denied their rights to "Tribal or other property" without "due process of law" contrary to the Act making them citizens.

S S Glover

Atty for Applicants

F O Browning et al.

(Copy)

## Exhibit--G.

At the regular term of the Circuit Court of Tahlequah District, C. H., Sept. 5th, 1895, in the case of J. B. Johnson et al vs C. J. Harris, Principal Chief, etc.

The parties having submitted a statement of the facts in the case to which both agree, for a decision by the Court, upon examination of the statement of facts the Court finds that it is alleged and admitted that plaintiffs are of Cherokee blood, and at one time owned and improved and lived on it in Cooweescoowee District, this Nation, and were citizens thereof; and in 1864 removed out of the limits of this Nation into the Osage Nation; and it is further admitted that the wife and children are part Osage by blood, and as such that they participated in the per capita payments of money made among the Osage people; and that J. B. Johnson himself drew money at the "Strip" payment among the Cherokee people. It is evident to the Court that the wife, being of elective age has preferred being a citizen of the Cherokee Nation to that of being a citizen of the Osage Nation, and in the exercise of that right of choice she has identified herself with the Osage people, and become a recognized citizen thereof, thereby has forfeited all rights of citizenship in this Nation. As the Court holds that the wife in this case being of Cherokee and Osage blood both, cannot hold and exercise the rights of citizenship in the Cherokee and Osage Nations both at the same time, she must identify herself with one or the other. As to the rights of such children as J. B. and Julia M. Johnson might have been born to them prior to their removal to the Osage Nation, being natural born



citizens of this Nation by virtue of their Cherokee blood, remain unimpaired, they being minors and their rights of citizenship in this Nation being vested by the Constitutions and laws of this Nation, the mere fact of their mother having taken them with her when she went to the Osage Nation does not and cannot divest them of their rights in the Cherokee Nation. There is no power or authority that can divest a minor citizen of this Nation of blood of his rights of citizenship. It is therefore the opinion of the Court that such children of J. B. Johnson and wife as they might have taken with them when they removed to the Osage Nation and are now minors, have not forfeited their rights in this Nation; that forfeiture of citizenship in this case must be done by a person who is capable of electing as to which of these two Nations they prefer to live in. It must be done voluntarily; and when the children in question reach their majority they will then be competent to elect as to which of these two Nations they prefer to live in; then if they elect to live in the Osage Nation they will forfeit their rights here; and as to the rights of such children as J. B. and Julia M. Johnson might have had born to them since the mother has been recognized as a citizen of the Osage Nation the Court holds are wholly identical with those of the mother. They being of Osage blood and born in the Osage Nation are natural born citizens thereof by virtue of their Osage blood and have no rights in the Cherokee Nation whatever; and judgment is hereby ordered accordingly.

H. L. LANDRUM,

Judge Presiding.

R O L L S.  
-----

Under the same act of Congress John W. Wallace made the Rolls of the Shawnees, Delawares, and Freedmen, and the Court of Claims recognized the validity of these Rolls. 30 Ct. of Cl. 180.

The Cherokee National Council passed an Act entitled, "An Act to Equalize the per capita shares of the Shawnee citizens of the Cherokee Nation with the shares paid the Cherokees by blood," approved March 30, 1896. The Cherokee Nation by the Principal Chief appointed William Carey, the Shawnee Business Committee appointed Jacob Guthrie, and the Secretary of the Interior appointed James G. Dickson, and the Commission examined each Shawnee applicant and made the Roll, throwing off forty persons, and the roll so made is known as the Lipe Roll.

The roll of Cherokee-Shawnees known as the Dickson Roll was made under the decree of the Court of claims in the case of Johnson Blackfeather, Principal Chief of the Shawnee Indians, vs The Cherokee Nation, and the United States.

The Register Roll of June 10, 1871, was made pursuant to the agreement of June 7, 1869.

The applicants are on these rolls and have been recognized by the Cherokee authorities, as Cherokee-Shawnees, entitled to participate in the pro rata payments of money due the Cherokee Nation, and these acknowledgments have a binding force and by these rolls they were acknowledged as Cherokees regardless of residence and place of birth, and the Cherokee Nation is estopped from disputing their claims, except in the case of fraud.



AN ACT TO EQUALIZE THE PER CAPITA SHARES OF THE SHAWNEE CITIZENS  
OF THE CHEROKEE NATION WITH THE SHARES PAID  
THE CHEROKEES BY BLOOD.

---00000---

BE IT ENACTED BY THE NATIONAL COUNCIL, That there be (and) is hereby appropriated out of the first instalment of the money derived from the sale of the Cherokee Outlet set aside by the Act of Congress approved March 3, 1893, to pay the claims of the Shawnees, Delawares and Freedmen, citizens of the Cherokee Nation, the sum of \$76,538.00 to be paid the Shawnee citizens of the Cherokee Nation whose names shall appear upon the roll made by the Secretary of the Interior under the terms of the decree entered in the case of Johnson Blackfeather, the Principal Chief of the Shawnee Tribe of Indians vs The Cherokee Nation et al, in the Court of Claims of the United States. Provided that the said Shawnee citizens of the Cherokee Nation shall, before this provision becomes effective, through their authorized agent or agents, first enter into a written agreement with the Principal Chief of the Cherokee Nation, requesting the Secretary of the Interior to prepare said roll of Shawnee citizens by a Commission of three, one appointed by the Principal Chief of the Cherokee Nation, one by the Secretary of the Interior, and one by the Business Committee.

The said roll to contain the names only of the Shawnee Tribe of Indians and their descendants as became citizens of the Cherokee Nation by operation of the agreement between the Cherokee Nation and the Shawnee Indians, dated the 9th of June, 1869, and who were living on May 5th, 1894, or by the operation of special acts of the National Council duly complied with by the parties admitted and were living at said date. Provided, however, that the said roll herein autho-

ized shall show the said Shawnees who were citizens of the Cherokee Nation on April 30th, 1886, November 26th, 1890, and May 5th, 1894.

2. The said money so appropriated shall be paid said Shawnee Indians by the Treasurer of the Cherokee Nation as soon as said money (fund) shall be available; and said Treasurer shall pay no Shawnee Indian more than an amount of said fund sufficient in addition to what shall be to each Shawnee Indian Citizen of the judgment in the case last before mentioned to make the sum paid each Shawnee citizen \$295.35. Provided, that no Shawnee admitted or Shawnee child born subsequent to the date as shown in the aforesaid roll shall be entitled to receive the amount or amounts of said payment or payments authorized on said dates by an Act of the National Council, it being the intention to pay the said Shawnees no more than if they were Cherokees by blood. Provided, further, that if the said full amount hereinbefore appropriated in section first is not required, the balance remaining is recovered back and retained in the Treasury of the Cherokee Nation.

3. From the sum so above quoted there shall be deducted by said Treasurer the amount the said Shawnee Indians have agreed to pay their authorized attorney in this matter, which shall be paid said attorney out of said fund of the Treasurer as soon as the same is available; also, the sum of \$1000.00, or so much thereof as shall be necessary for the payment of the services of the Census Commission as hereinbefore provided for, half of said amount to be paid by the Cherokee Nation and half by said Shawnee Indians. Provided, that the expenses incurred in making said payment shall be borne by the said Shawnee Indians out of said amount to be paid them, as provided in this Act.

4. That all acts inconsistent with this Act are hereby repealed.

Approved March 30th, 1896.

.....

EXECUTIVE DEPARTMENT, CHEROKEE NATION,

Tablequah, 9th, 1896.

( seal )

IT IS HEREBY Certified that the foregoing is a correct copy of the original.

Witness, SEAL OF THE CHEROKEE NATION.

(Signed) JOHN L. ADAIR,

Executive Secretary.

-----

Maud Cotner, the undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of a certified copy of brief by applicant in the matter of application for enrollment of Cherokee D 314.

*Maud Cotner*

Subscribed and sworn to before me this 10<sup>th</sup> day of August, 1903.

*Edmond Morris*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N

The record in this case shows that on September 17, 1900, Preston G. Browning appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of his minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood. The application also included the said Preston G. Browning, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said Preston G. Browning is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 24, 1902. On July 16, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval, and the Department approved said decision on September 13, 1902. Under date of April 3, 1903, the Department returned the record in said case to the Commission for readjudication, and further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on May 26, 1903.

The evidence shows that the applicants, Thomas E., Ben F. and Queen E. Browning, are the minor children of one Sarah E. Browning, deceased, who was a Shawnee Indian by blood. The said Sarah E. Browning is identified on the register of names of members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation prior to the 10th day of June, 1871, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians on the 7th day of June, 1869, and approved by the President of the United States on the 9th day of June, 1869, under her maiden name as "Sarah G. Flint"; on the Wallace roll of Cherokee Shawnees as "Sarah Ellen Flint"; on the Dickson roll of Cherokee Shawnees as "Sarah E. Browning"; on the Cherokee-Shawnee pay roll of 1896 as "Sarah E. Browning", and, as an adopted Shawnee, on the 1896 census roll of the Cherokee Nation under the name of "Sarah E. Browning".

All of the minor applicants herein are duly identified on the Dickson roll of Cherokee-Shawnees; the Cherokee-Shawnee pay roll of 1896 and, as adopted Shawnees, on the 1896 census roll of the Cherokee Nation; the applicant, Queen E. Browning, being identified on all of said rolls under the name of "Ester Browning".

The evidence further shows that the said Sarah E. Browning, mother of said applicants herein, resided in the Cherokee Nation for about six years after her removal thereto with the Shawnees, when she removed to the state of Missouri and continued to live therein until her death, all of said applicants being born in said state.

The evidence further shows that the mother and father of said applicants owned personal property and valuable improvements in the Cherokee Nation while residing in said state of Missouri.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D #937 (I.T.D. 2900-1903), that the said Thomas E. Browning, Ben F. Browning and Queen E. Browning should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this NOV 14 1903

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas E., Ben F., and Queen E. Browning as citizens of the Cherokee Nation of Shawnee blood.

Protest.

The Cherokee Nation respectfully protests against the Decision of the Commission to the Five Civilized Tribes in the above case and asks that the record be forwarded to the Honorable Secretary of the Interior for Review.

Our objections are:

That these people were born in the state of Missouri where their father exercised the right of citizenship;

That they never lived in the Cherokee Nation during their lives.

That neither their mother nor father ever lived in the Cherokee Nation in good Faith and became bona fide citizens thereof.

Respectfully,

W. W. Hastings  
Attorney for the Cherokee Nation.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of Preston G. Browning as an intermarried citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 17, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Preston G. Browning as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 24, 1902.

The records further show that on July 16, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation. In September 13, 1902, the Department approved said decision. Thereafter, on April 3, 1903, this case was remanded by the Department for readjudication, and further proceedings were had in the matter of said application at Tahlequah, Indian Territory, May 25, 1903.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Preston G. Browning, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such rights as he may have acquired by virtue of his marriage on October 7, 1883, to his wife, Sarah E. Flint, who was at the time of said marriage an adopted citizen of the Cherokee Nation of Shawnee blood and whose right to enrollment as a citizen of the Cherokee Nation was denied by the Department on June 5, 1903.

In view of the foregoing, it is considered that the applicant did not marry in accordance with Cherokee law, a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the



-2-

said applicant, Preston S. Browning, is not entitled under the provisions of Section 17 of the Act of Congress approved June 28, 1906 (34 Stat., 408), to be considered as a citizen of either marriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory  
this FEB 23 1907

Cherokee D 314

## Copy of Marriage License.

State of Missouri )  
 County of Newton. )

This license Authorizes any Judge of a Court of record or Justice of the peace or any Licensed or Ordained Preacher of the Gospel who is a citizen of the United States to solemnize marriage between P. G. Browning of Seneca in the County of Newton and State of Missouri who is over the age of Twenty One years and Elizabeth H. Williams of Seneca in the County of Newton and State of Missouri who is over the age of eighteen years.

Witness my hand as Recorder with the Seal of Office hereto affixed at my office in Neosho Mo, this 19 day of Sept 1900.

( S P A L )

By C. A. Stinnett.

J. H. Hughes Recorder

State of Missouri )  
 County of Newton) ss. This is to certify that the undersigned Minister of the Gospel did at Neosho in said County on the 19th day of Sept A. D. 1900, unite in marriage the above named persons, and I further certify that I am a citizen of the United States and legally qualified under the laws of the State of Missouri to solemnize marriages.

L. C. Wilson, M. G.

By C. A. Stinnett

J. H. Hughes, Recorder.

State of Missouri, ) ss  
 County of Newton. ) I, J. H. Hughes, Recorder of Deeds within and for said County do hereby certify that the foregoing Instrument is a true and perfect copy of Marriage License as the same appears of record in Book H. page 473, Newton County marriage records.

Witness my hand and seal of said office this

(S E A L)

11th day of February 1902.

(signed) J. H. Hughes

Recorder.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy in the office of this Commission.

Ella Nielsen

Department of the Interior,  
 Commission to the Five Civilized Tribes.  
 Muskogee, I. T., August 5, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy offered in evidence in the matter of application for enrollment of Cherokee D 314.

  
 Commissioner.

Cherokee D 314

Marriage License.

Cherokee Nation,

Delaware District.

To any regular ordained Minister of the Gospel,  
or any of the Judges or Clerks of this Nation, to execute and re-  
turn - GREETING:

You are hereby commanded in the name of the Cherokee Nation  
to solemnize the rites of Matrimony, between Mr. Press G. Browning  
a citizen of the United States, and Miss Welley Flint, a citizen  
of the Cherokee Nation, (by blood) the said Press G. Browning having  
complied with the law regulating intermarriage of white man and for-  
eigners.

Given under my hand and official seal this 7th day of Oct  
( S E A L ) A. D. 1883

(signed) T. J. McGhee, Clerk,  
Delaware District  
C. N.

Clerk Office of Delaware District, this is to certify by me that the  
marriage of ceremony was duly performed by me with the parties named  
in the within license on this the 7th day Oct 1883.

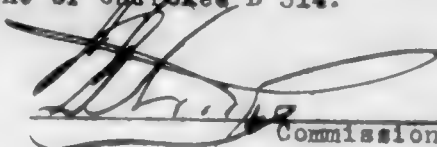
(seal) T. J. McGhee, Clerk  
Delaware Dist C.N.

I, the undersigned, do certify, as stenographer to the Commission  
to the Five Civilized Tribes that the above is a true and correct  
copy of the original on file in the office of this Commission.

Ella Mielens

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Ind. Ter., August 5, 1903.

I, the undersigned, a member of the Commission to the Five  
Civilized Tribes, do hereby certify that the above and foregoing is  
a true and correct copy of a certified copy offered in evidence in  
the matter of application for enrollment of Cherokee D 314.

  
Commissioner.

2

1314.

112 6 100

T. C. RYAN

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,..... **February 6th,**

1902

**Mr. Preston G. Browning,**  
.....  
**Seneca, Missouri,**

**Sir:-**

You are hereby notified that the application of..... **yourself and three**  
**minor children**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the  
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the  
**24th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,  
when an opportunity will be given you to introduce any additional testimony affecting your applica-  
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same  
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-  
ment, but said Representatives will be required to notify you of their intention to introduce such  
testimony before they will be permitted to do so.

Yours truly,

**Cherokee D-514**

**Register.**

Acting Chairman.

9

10-5-11

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

• FILED  
SEP 15 1902

A handwritten signature, possibly "J. P. Smith", is written over the "FILED" stamp.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Feb 12, 1902 Memphoqua I.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Preston M. Browning et al for enrollment as  
~~Freedmen~~ of the Cherokee Nation.

citizens

No. to D. 314

testimony of  
Atty for applicants



Muskegee, Indian Territory, March 21, 1902.

S. S. Clever, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 17, enclosing certified copy of extracts from the Wallace roll and Dickson roll, which copies you desire filed with the applications for enrollment as citizens of the Cherokee Nation of Rebecca L. Laughlin et al, Cherokee D-312; Preston G. Browning et al, Cherokee D-314; Levi C. Flint, Cherokee D-315; George L. Flint, Cherokee D-316; Gerturde F. Flint, Cherokee D-310, Lydia K. Spencer, Cherokee D-311.

This paper is herewith returned to you and you are requested to have each extract from the roll certified to separately; the one certificate which you send can not be filed in six different cases.

Yours truly,

Commissioner in Charge.

Enc. 2-5

COPY.

Cherokee D-314.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three children, Thomas E., Ben F., and Queen E. Browning, as citizens by Shawnee blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Samuel D. Smith

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-38.

COPY.

Cherokee D-314.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three children, Thomas E., Ben F., and Queen E. Browning, as citizens by Shawnee blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James H. Smith

Acting Chairman.

Inc. H-37.

COPY.

Cherokee D-314.

Madregees, Indian Territory, July 16, 1902.

S. S. Clover, Esq.,

Attorney for Preston G. Browning, et al.

Visita, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three children, Thomas E., Ben F., and Queen E. Browning, as citizens by Shawnee blood of the Cherokee Nation. The record of proceedings in this case has heretofore been furnished you.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Ins. H-36.

COPY

Cherokee D-314.

Muskogee, Indian Territory, July 16, 1902.

Preston G. Browning,  
Seneca, Missouri.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your three children, Thomas E., Ben F. and Queen E. Browning, as citizens by Shawnee blood of the Cherokee Nation.

The record of proceedings had in this case has heretofore been furnished your attorney of record, S. E. Clover, Vinita, Indian Territory, and the decision of the Commission has this day been forwarded to him.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Inc. B-16.

Refer in reply to  
the following:

Land:  
48718-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of Preston G. Browning, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his 3 children, Thomas E., Ben F. and Queen E. Browning, as Cherokee citizens of Shawnee. July 16, 1902, the Commission held that the parties above mentioned were not entitled to enrollment as citizens of said nation.

The record in this case shows that on October 7, 1883 the principal applicant, a white man, married in accordance with the laws of the Cherokee Nation Sarah E. Flint, a Cherokee citizen of Shawnee blood; that the principal applicant is identified on the Cherokee census roll of 1896; that his children by his wife Sarah E. Browning, are identified on the Dixon roll of Shawnee Cherokees, and on the Cherokee Shawnee payroll of 1896, and also on the census roll of 1896.

The record also shows that Browning and his wife were residents of Seneca, Missouri, prior to their marriage; that they resided at Seneca, Missouri at the time of her death; and that

Preston G. Browning resided there at the date of his application.

~~The children of Preston G. Browning and his wife, Sarah E. Browning,~~  
were born at Seneca, Missouri, and have always resided there. The Curtis Act declares that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." These applicants having never been residents of the Cherokee Nation, Indian Territory, the office believes that the decision of the Commission rejecting them is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)



C O P Y

D. C. No. 15413-1902.

L. R. S.

ITD. 4659-1902.  
5291 & 5529-1902.

55217  
474

J. P.  
RAF

DEPARTMENT OF THE INTERIOR,

Washington.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation, as Shawnee Cherokees. Since the case was received by the Department arguments by local attorneys for the claimants have been filed.

It appears, as stated in your decision, that in 1883 Browning, a white man, married Sarah E. Flint, a Shawnee, an adopted citizen of the Cherokee Nation. He is identified on the Cherokee census roll of 1896, and said children are identified on the Dickson roll of Shawnee Cherokees, the Cherokee-Shawnee pay roll of 1896 and the Cherokee census roll of 1896. It is shown that Browning and this wife were residents of Seneca, Mo., prior to their marriage, and lived there up to the time of her death, and that Browning has lived and exercised the rights of citizenship there ever since. All of said children were born there and have always lived there. September 19, 1900, Browning married a white woman. Referring to the provision in the act of June 23, 1898 (30 Stat., 495), that no person shall be enrolled who had not theretofore removed to and in good faith settled in the nation in which he claimed citizenship, and to section 646 of the laws of the Cherokee Nation compiled in 1892, you rejected the application.

- 2 -

Reporting in the matter July 31, 1962, the Acting Commissioner of Indian Affairs recommended that your decision be concurred in.

Finding no reason to disturb your decision, it is hereby affirmed. Attention is called to departmental decision of even date, in the case of Rebecca L. Laughlin et al. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

END

1 inclosure.

Refer in reply to  
the following:  
Land:  
42718-1902.

COPY.

Department of the Interior.

Office of Indian Affairs,

Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of Preston G. Browning, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his 3 children, Thomas E., Ben F. and Queen E. Browning, as Cherokee citizens of Shawnee. July 16, 1902, the Commission held that the parties above mentioned were not entitled to enrollment as citizens of said nation.

The record in this case shows that on October 7, 1883 the principal applicant, a white man, married in accordance with the laws of the Cherokee Nation Sarah E. Flint, a Cherokee citizen of Shawnee blood; that the principal applicant is identified on the Cherokee census roll of 1896; that his children by his wife Sarah E. Browning, are identified on the Dixon roll of Shawnee Cherokees, and on the Cherokee Shawnee payroll of 1896, and also on the census roll of 1896.

The record also shows that Browning and his wife were residents of Seneca, Missouri, prior to their marriage; that they resided at Seneca, Missouri at the time of her death; and that Preston G. Browning resided there at the date of his application. The children of Preston G. Browning and his wife, Sarah E. Browning, were born at Seneca, Missouri, and have always resided there. The Curtis Act declares that "no person shall be enrolled who has not

- 2 -

heretofore removed to and in good faith settled in the nation in which he claims citizenship." These applicants having never been residents of the Cherokee Nation, Indian Territory, the office believes that the decision of the Commission rejecting them is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. G. Tonner,

Acting Commissioner.

G. A. W. (E.)

HARRY G. KIMBALL.

WM. HENRY WHITE.

A. E. L. LECKIE.

CREED M. FULTON.

PRACTICE BEFORE THE  
SUPREME COURT OF THE  
UNITED STATES,  
THE COURT OF CLAIMS,  
THE U. S. DEPARTMENTS.

KIMBALL & WHITE, LECKIE & FULTON,  
Attorneys and Counsellors at Law,  
COLUMBIAN BUILDING,  
Washington, D. C.

CLAIMS OF ALL KINDS  
AGAINST THE GOVERN-  
MENT.

CLAIMS FOR ENROLL-  
MENT.

CLAIMS FOR PARTICI-  
PATION IN THE DISTRIBU-  
TION OF INDIAN LANDS  
AND FUNDS.

September 16, 1902.

W. W. Hastings, Esq.,

Muscogee, Indian Territory.

Dear Sir:

We enclose herewith second supplemental brief on behalf  
of Preston G. Browning, Cherokee No. 42,718-1902.

We have this day forwarded the original to the Secretary  
of the Interior.

Yours truly,

*Kimball & White  
Leckie & Fulton*

Cherokee D 314.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens by Shawnee blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

COPY.

Cherokee D 314.

Muskogee, Indian Territory, October 7, 1902.

S. S. Clover,

Attorney for Preston G. Browning, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens by Shawnee blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.



COPY.

Cherokee D 314.

Muskogee, Indian Territory, October 1, 1902.

Preston G. Browning,  
Seneca, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens by Shawnee blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

*Sam D. Doby*  
Acting Chairman.

C O P Y.

D.C.8393-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FHE.

WASHINGTON.

I.T.D. 4659-1902.  
2651-1903.

March 23, 1903.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Preston G. Browning, et al., requested that the case involving his application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 13, 1902, as the points of Law in said case are similar to those involved in the case of Joseph D. Yeargain, et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903, in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.C. 8393-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FHE.

WAS HINGTON.

I.T.D. 4659-1902.  
2651-1903.

March 23, 1903.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Preston G. Browning, et al., requested that the case involving his application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 13, 1902, as the points of law in said case are similar to those involved in the case of Joseph D. Yeargain, et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903, in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

Thos. Ryan,

Acting Secretary.

C O P Y.

D.C.9842-1903.

DEPARTMENT OF THE INTERIOR.

J.P.  
FHE.

WASHINGTON.

I.T.D. 4659-1902.  
2651-1903.

April 3, 1903.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On September 13, 1902, the Department affirmed your decision rejecting the application of Preston G. Browning for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his minor children Thomas E., Ben F., and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood, as the principal applicant was married to a white woman on September 19, 1900, and as none of the applicants were residing in the Cherokee Nation on June 28, 1898, and as the act of that date (30 Stat., 495), provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It appears, as stated in said decision, that in 1883 Browning, a white man, married Sarah E. Flint, a Shawnee, an adopted citizen of the Cherokee Nation; that Browning and his wife were residents of Seneca, Missouri, prior to their marriage, and lived there up to the time of her death, and that Browning has lived and exercised the rights of citizenship there ever since; that all his said children were born there and always lived there; that on September 19, 1900, Browning married a white woman.

The testimony was taken and your decision was rendered under a different understanding of said provision of the act of June 28, 1892, from that expressed by the Department in the case of Clement G. Clarke of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

Upon motion for review the Department has reconsidered the case and in view of said opinion and decision of March 17, 1903, the decision of September 13, 1902 is hereby rescinded and the case is remanded for further proceedings and readjudication in the light of said opinion and decision, and of the decision of the Department of March 17, 1903, in the case of Elisabeth C. Payne.

The testimony and papers attached thereto are herewith inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. C. No. 15413-1902.

L. R. S.

ITD. 4659-1902.  
5291 & 5529-1902.

55217  
474

J. P.

RAF

DEPARTMENT OF THE INTERIOR.

Washington.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of ~~Frederic G. Browning for the enrollment of himself as a~~ citizen by intermarriage, and for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation, as Shawnee Cherokees. Since the case was received by the Department arguments by local attorneys for the claimants have been filed.

It appears, as stated in your decision, that in 1883 Browning, a white man, married Sarah E. Flint, a Shawnee, an adopted citizen of the Cherokee Nation. He is identified on the Cherokee census roll of 1896, and said children are identified on the Dickson roll of Shawnee Cherokees, the Cherokee-Shawnee pay roll of 1896 and the Cherokee census roll of 1896. It is shown that Browning and his wife were residents of Seneca, Mo., prior to their marriage, and lived there up to the time of her death, and that Browning has lived and exercised the rights of citizenship there ever since. All of said children were born there and have always lived there. September 19, 1900, Browning married a white woman. Referring to the provision in the act of June 28, 1898 (30 Stat., 495), that no person shall be enrolled who had not theretofore removed to and in good

- 2 -

faith settled in the nation in which he claimed citizenship, and to section 666 of the laws of the Cherokee Nation compiled in 1892, you rejected the application.

Reporting in the matter July 31, 1902, the Acting Commissioner of Indian Affairs recommended that your decision be concurred in.

Finding no reason to disturb your decision, it is hereby affirmed. Attention is called to departmental decision of even date, in the case of Rebecca L. Laughlin et al. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

RMD

1 inclosure.



SW

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. EDWARDS,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-678

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1903.

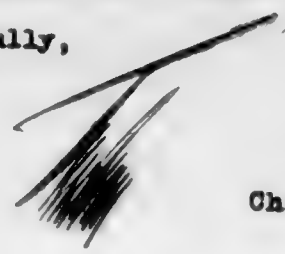
W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Preston G. Browning, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation, and the principal applicant and his attorney have, this day, been notified that any further testimony which they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Respectfully,



Chairman.

GRS

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee R-678

ALLISON L. AYLESWORTH.

Tahlequah, Indian Territory, May 14, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that the day set for the hearing of testimony in the matter of the application of Preston G. Browning for the enrollment of himself and family as citizens of the Cherokee Nation, has been changed from May 16 to May 23, 1903, and the applicant has been notified that any testimony he may have to introduce can be presented before the Cherokee Land Office on the latter date.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge  
Cherokee Land Office.

172

Cherokee R-678

Tahlequah, Indian Territory, May 14, 1903.

Preston G. Browning,

Seneca, Missouri.

Dear Sir:

You are hereby notified that the date set for the hearing of testimony in the matter of your application for the enrollment of yourself and family as citizens of the Cherokee Nation, has been changed from May 10, 1903, to May 23, 1903. On the latter date, any testimony which you may have to introduce, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MFH

Cherokee R-678

~~Wahkago, Indian Territory, April 17, 1903.~~

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Preston G. Browning, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation, and the principal applicant and his attorney have, this day, been notified that any further testimony which they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Respectfully,

*W*  
Chairman.

GRB

Muskogee, Indian Territory, April 17, 1903.

S. S. Clover,

Attorney for Preston G. Browning, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the motion made to reopen, for the purpose of taking further testimony, the application of Preston G. Browning, et al., for enrollment as citizens of the Cherokee Nation, was granted by the Secretary of the Interior on April 3, 1903.

Any further testimony which you may have to introduce tending to establish the rights of these applicants to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation.

Respectfully,

Chairman.

GRS

Cherokee R-676

Muskogee, Indian Territory, April 17, 1903.

Preston J. Browning,  
Seneca, Missouri.

Dear Sir:

You are hereby notified that the motion made to reopen, for the purpose of taking further testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation was granted by the Secretary of the Interior on April 3, 1903.

You are advised that any further testimony you may have to introduce tending to establish your right, and the rights of the members of your family, to enrollment as citizens of the Cherokee Nation, can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to your residence in the Cherokee Nation.

Respectfully,

Chairman.

GRS

Cherokee R. 678

Tahlequah, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith the original card, jacket and record in the matter of the application of Preston G. Browning, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R. 678.

This case was reopened and remanded by the Secretary of the Interior on March 25, 1903, for further proceedings and re-adjudication. Further testimony was taken on May 25, 1903, a copy of which is a part of the record.

The record in this case is now considered complete and the same is transmitted to the office at Muskogee that a decision may be prepared.

Respectfully,

MH  
Encl-H-66

Commissioner in Charge  
Cherokee Land Office.



Cherokee D-314  
(R-678)

~~McKehee, Indian Territory, November 16, 1903.~~

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 14, 1903, granting the application for the enrollment of Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. V-12.

Cherokee D-314  
(R-678).

Muskogee, Indian Territory, December 3, 1903.

Preston G. Browning,  
Seneca, Missouri.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 14, 1903, granting your application for the enrollment of your three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood. There has this day been forwarded your attorneys, Kimball & White, Washington, D. C., a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

  
Chairman.

Enc. D-10.  
Register.

Cherokee D-314  
(R-678).

Muskogee, Indian Territory, December 3, 1903.

Kimball & White,

Attorneys for Preston G. Browning et al.,  
Columbian Building, Washington, D. C.

Gentlemen:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Preston G. Browning for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood, together with a copy of the Commission's decision dated November 14, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-11  
Registers

Chairman.

Cherokee D-314.  
(R-678).

Muskogee, Indian Territory, December 3, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 3, 1903 (ITD. 4659-1902, 2651-1903), there is herewith transmitted the record of proceedings had in the matter of the application of Preston G. Browning for the enrollment of his three minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation of Shawnee blood, including the Commission's decision dated November 14, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is herewith enclosed.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

Enc. D-12.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 29, 1904.

Refer in reply  
to the following:  
LAND  
79001-1904.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of April 3, 1903, (I. T. D. 4659/1902 and 2651/1903) I have the honor to transmit herewith a report from the Commission to the Five Civilized Tribes, dated December 3, 1903, transmitting the record relative to the application of Preston G. Browning for the enrollment of his three minor children Thomas E., Ben F. and Queene Browning as citizens of the Cherokee Nation of Shawnee blood.

The record in this case shows that the minor applicants are the children of Preston G. Browning and Sarah E. Browning. Preston G. Browning was an applicant for enrollment as an inter-married citizen, but the Commission has not included him in its decision.

Sarah E. Browning was a Shawnee Indian by blood and she removed to the Cherokee Nation prior to June 10, 1871 in accordance with the provisions of the Cherokee-Shawnee agreement of June 7, 1869.

She is identified on the Cherokee-Shawnee register under

her maiden name of "Flint." Her name appears on the Wallace roll (Cherokee-Shawnee) as Sarah Ellen Flint; on the Dickson roll as Sarah E. Browning; on the Cherokee-Shawnee pay roll of 1896 as Sarah E. Browning and on the 1896 census roll of the Cherokee Nation as Sarah E. Browning an adopted Shawnee,

The minor applicants are identified by the Dickson roll, the Cherokee-Shawnee pay roll of 1896 and the 1896 census roll of the Cherokee Nation.

The evidence shows that Sarah E. Browning, mother of said minor applicants resided in the Cherokee Nation about six years after her removal to the nation with the Shawnees, when she removed to the State of Missouri, where she resided at the time of her death. The minor children were born in the State of Missouri.

The record further shows that the parents of these minor applicants owned personal property and valuable improvements in the Cherokee Nation during the time they resided in the State of Missouri.

November 14, 1903, the Commission following the Department in the Yeargain case held that the minor applicants are entitled to enrollment.

From the record in this case, and believing that the holding of the Department in the Yeargain case is applicable to this case, the approval of the Commission's decision favorable

to the minor applicants is recommended.

Very respectfully,

A. C. Turner,

Acting Commissioner.

GAW/LM

3 enclosures



DEPARTMENT OF THE INTERIOR,

W. C. P.  
Y. P.  
FILE.

D. C. 28677-1903.

WASHINGTON. June 5, 1903.

I. T. D. 4659-1902.  
3432-1903.  
862-1904.

L. R. S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On July 16, 1902, you rendered a decision in the matter of the application for the enrollment of Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation, in which decision you rejected all of said applicants.

September 13, 1902, the Department approved your decision. April 3, 1903, the Department returned the record for readjudication. Further proceedings were had, and on November 14, 1903, you held that in accordance with the decision of the Department in the case of Joseph D. Yeargain (I. T. D. 2900-1903), the applicants are entitled to enrollment.

Reporting January 29, 1904, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The applicants were all minors at the date of the application for their enrollment, and are the children of Preston G. Browning, a white man, now deceased, and his wife, Sarah E. Browning, also deceased. The said Sarah E. Browning was a daughter of Levi C. Flint, and is identified on the

register of names of members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation prior to the 10th day of June, 1871, in accordance with the Cherokee-Shawnee agreement approved by the President June 9, 1869, under her maiden name of Sarah E. Flint. She is identified on the Wallace roll of Cherokee-Shawnees; on the Dickson roll of Cherokee-Shawnees; on the Cherokee-Shawnee payroll of 1896, and as an adopted Shawnee on the 1896 census roll of the Cherokee Nation. All of the applicants are identified on the Dickson roll of Cherokee-Shawnees; the Cherokee-Shawnee payroll of 1896, and as adopted Shawnees on the 1896 census roll of the Cherokee Nation. The applicants' mother, Sarah E. Browning, died prior to September, 1900. The question to be determined is, whether she lost her Cherokee citizenship prior to her death. She left the Cherokee Nation with her father, Levi C. Flint, in 1874, and never returned thereto. She was married in 1883 at Seneca, Missouri, to Preston G. Browning, a white man, at which place the applicants have always lived, and where Mrs. Browning died. Mrs. Browning's status as a Cherokee, at the time of her death, appears to have been similar to that of her sister, Lydia K. Spencer.

The Assistant Attorney General in his opinion of March 25, 1905, relative to the case of Lydia K. Spencer, held:

"The principal applicant having been fully identified with the nation as one of its citizens did not, in my opinion under any law of the Cherokee Nation or of the United States, forfeit her rights in the Cherokee Nation, or become expatriated, by her removal by her parents from the territorial jurisdiction

of the nation. But when she reached her majority and had free choice of her domicile, as she did in 1889, and failed within a reasonable time to establish her domicile in the nation, or to ~~have any property interests or effects in the nation identifying herself with its interests and life,~~ she lost her status as a Cherokee, and could be restored thereto only by act of the Cherokee authorities and in accordance with the Cherokee law. Instead of returning to the nation on attaining her majority, she married in 1892 a citizen of the United States and settled at Seneca, Missouri. This was clearly an election to withdraw from the Cherokee Nation and not to reassert her rights of citizenship of the nation from which she had been removed when a child."

The exact date of the birth of Mrs. Browning is not shown. Her age appears, however, on the Dickson Cherokee-Shawnee roll as 36 years. Said roll was made in 1896. (See opinion of the Assistant Attorney General in the Levi C. Flint case, 3088-1905). It therefore appears that she was born about the year 1860. This is corroborated by proof in the record that she was older than her sister, Mrs. Laughlin, who it appears was born in 1864. It is therefore clear that Mrs. Browning reached her majority prior to 1880.. She continued to live outside of the Cherokee Nation, and in 1883 married a white man, a citizen of Missouri.

The record shows that the first effort toward acquiring property in the Cherokee Nation by either Mrs. Browning or her husband, was about the year 1885, when her husband established a lumber business in the Indian Territory, also purchased a farm there. It is therefore clear that for at least five years after reaching her majority Mrs. Browning failed to return

to the Nation or to perform any act which would show her intention to return.

The Department is therefore of the opinion that in accordance with the opinion of the Assistant Attorney General in the case of Lydia K. Spencer above quoted, also his opinion rendered March 25, 1905 (3096-1905), in the case of Clara A. Ward, the mother of the applicants, Mrs. Browning, had expatriated herself prior to her death, and as the rights of the applicants depended upon the status of the mother as a Cherokee citizen, they are therefore not entitled to enrollment. Your decision is accordingly reversed and you are directed not to enroll the applicants as citizens of the Cherokee Nation.

Respectfully,

(Signed) E. A. Hitchcock  
Secretary.

1 inclosure.

COPY.

Cherokee R-678.

Muskogee, Indian Territory, June 26, 1905.

Preston G. Browning,  
Seneca, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision dated November 14, 1903, granting the application for the enrollment of your minor children, Thomas E., Ben F. and Queen E. Browning, as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED).

*James Bixby.*  
Chairman.

COPY.

Cherokee R-678.

Muskogee, Indian Territory, June 28, 1905.

Kimball & White,

Attorneys for Preston G. Browning, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated November 14, 1903, granting the application for the enrollment of Thomas E., Ben F. and Queen E. Browning as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

COMMISSIONERS:  
TAMM BILBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. DEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1860  
REFER IN REPLY TO THE FOLLOWING:  
Cherokee R-678.

ADDRESS ONLY THE

Muskogee, Indian Territory, June 26, 1905.

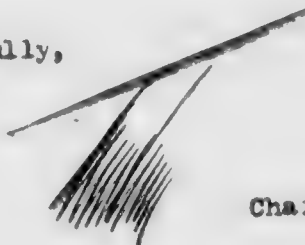
W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 14, 1903, granting the application for the enrollment of Thomas E., Ben F. and Queen E. Browning as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on June 5, 1905.

Respectfully,



Chairman.



COPY.

Cherokee R-678.

Muskogee, Indian Territory, June 25, 1905.

Commissioner in Charge,  
Cherokee Land Office,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 14, 1903, granting the application for the enrollment of Thomas E., Ben P. and Queen E. Browning as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED).

*James Bixby*  
Chairman.

Muskogee, Indian Territory, March 12, 1906.

J. C. Starr,

Vinita, Indian Territory.

Dear Sir:

As requested in your letter of March 5, 1906, there is inclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of Preston G. Browning, et al., as citizens of the Cherokee Nation. There is no extra copy of the decision of the Commission to the Five Civilized Tribes in this case, and a copy of the decision can not be furnished you. A copy of the decision has, however, heretofore been furnished Mrs. Browning.

Respectfully,

Incl. GL-31.  
GHU

Acting Commissioner.

D.C.14703

( C O P Y ) J.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE.

I.T.D.4351-1906.

April 21, 1906.

LRS

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

You are advised that the Department is in receipt of a motion for review, filed April 19, 1906, in the Cherokee enrollment case of Thomas E. Browning, et al. See departmental letter of June 5, 1905.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

D.C.15961

J.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

PHR.

I.T.D.4659-1902.  
4381-1906.

April 30, 1906.

LRS

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review and also a motion for rehearing in the Cherokee enrollment case of Thomas E. Browning, et al., of the filing of which you were advised April 21, 1906.

No question of law or material fact not considered in departmental decision of June 5, 1905, in this case, is presented. The motion for rehearing is not supported by any affidavits; it is therefore insufficient.

While it is true that it is now alleged that the mother, now deceased, of these applicants, who are minors, did not leave the Quapaw Agency, Indian Territory, until 1883, when she went to Missouri, at the age of 23, and was married to the father of such applicants, a white man, and that she and her husband purchased a farm in the Cherokee Nation in 1884, in less than a year after their marriage, the fact remains that it has been held by the Department, in one of the cases referred to in letter of June 5, 1905, that when a Cherokee female, absent from the nation,

having no effects in the nation, married a non-citizen after reaching her majority, she elected to "withdraw from the Cherokee Nation and not to reassert her rights to citizenship of the nation." It is apparent that the mother of the applicants could not reinvest herself with citizenship in the nation by the purchase, by her or her husband, of property in the nation, as stated, in 1884. Having lost her status as a Cherokee citizen, her rights could be restored only by an act of the Cherokee authorities.

The motions are denied. They were filed by Messrs. Bulger, Starr & Patten, of Vinita, Indian Territory. Properly advise them hereof.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Muskogee, Indian Territory, May 7, 1906.

Thomas E. Browning,  
Seneca, Mo.

Dear Sir:

You are hereby advised that the motion filed with the Department on April 19, 1906, to reopen the Cherokee enrollment case of yourself, your brother Ben F. and your sister Queen E. Browning, was denied by the Secretary of the Interior on April 30, 1906.

For your information a copy of the Departmental decision above referred to is herewith enclosed.

Respectfully,

Acting Commissioner.

Incl.  
MCP-17.

Muskogee, Indian Territory, May 9, 1906.

Bulger, Starr & Patten,

Attorneys for Thomas E. Browning, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed by you on April 19, 1906, for review and rehearing in the Cherokee enrollment case of Thomas E. Browning, et al., were, on April 30, 1906, denied by the Secretary of the Interior.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. GL-100.  
GHL

Acting Commissioner.



Refer in reply to the following

--Copy--

LAND  
4337-1907

DEPARTMENT OF THE INTERIOR/  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On May 7, 1906 (I.T.D. 7582-1904, 1596-1905), the Department rescinded its decision of September 30, 1904, in the consolidated Cherokee freedmen case of Amanda Hill, et al., so far as it affected the application of Andy Webber, and remanded this case to the Commissioner to the Five Civilized Tribes for rehearing and readjudication.

I now have the honor to transmit herewith report of Commissioner Bixby, dated January 12, 1907, enclosing the record of proceedings had in the matter of the application for the enrollment of Andy Webber as a Cherokee freedman, including the decision of the Commissioner, dated January 12, 1907, granting the application.

The records show that Andy Webber appeared before the Commission to the Five Civilized Tribes, at Nowata, Indian Territory, on June 29, 1901, and made application for enrollment as a Cherokee freedman; that on July 23, 1904, the Commission to the Five Civilized Tribes consolidated the Cherokee freedmen cases of

Amanda Hill, et al., and Andy Webber, and rendered a decision therein denying all the claimants the right to enrollment; and that on September 30, 1904 (I.T.D. 7582-1904), the decision of the Commissioner to the Five Civilized Tribes was approved by the Department. On May 7, 1906 (I.T.D. 7582-1904, 1596-1905), a motion to reverse the decision, so far as it denied Andy Webber the right to enrollment as a Cherokee freedman, having been filed with the Department, the Department rescinded its decision of September 30, 1904, so far as it denied the right of Andy Webber to enrollment as a Cherokee freedman, and returned his case to the Commission to the Five Civilized Tribes, with instructions to permit the applicant and the attorney for the Cherokee Nation to furnish such testimony as they might desire to submit as to whether Frances Webber, the mother of Andy Webber, was a slave of a Cherokee citizen, and the date of her return to the Cherokee Nation. Further proceedings in the matter of the application of Andy Webber were had at Muskogee, Indian Territory, on June 21, November 22, and December 5 and 7, 1906.

Copies of the testimony of Dan Sanders and Reuben Sanders, taken in the Cherokee freedmen cases of Elizabeth Neigs, Chaney McHair, and Mary Johnson, and the application of Lewis Whitmire vs. the Cherokee Nation, taken before the "Chambers Court" on June 26, 1878, the application of Moses Whitmire vs. the Cherokee Nation, and also record No. 60, of Aaron Whitmire vs. the Cherokee Nation, are filed herewith and made a part of the record herein.

The evidence shows that the applicant, Andy Webber, was born in the Cherokee Nation since 1866, and is the son of Johnson Webber and Frances Webber, both now deceased, who were slaves of Cherokee citizens at the commencement of the war of the rebellion; that Andy Webber claims the right to enrollment as a Cherokee freedman as a descendant of his parents; and that Frances Webber left the Cherokee Nation during the progress of the rebellion, but the evidence does not establish that she returned to and established an actual, personal bona fide residence in the Cherokee Nation within the time provided by Section 3 of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), for the return of freedmen to the Cherokee Nation.

The evidence introduced subsequent to the date of the decision of the Department of September 30, 1904 (I.T.D. 7582-1904), adverse to the applicant, shows that Johnson Webber, the father of Andy Webber, made application for admission to freedman citizenship in the Cherokee Nation to the Supreme Court of that Nation, commonly known as the "Daniels Court", in 1871, and was adjudged by that Court entitled to freedman citizenship in the Cherokee Nation, and that the applicant now bases his right to enrollment on that decision.

The Assistant Attorney-General for the Department, in a decision rendered October 5, 1905 (I.T.D. 7658-1904), in the matter of the application for the enrollment of Harry Still as a

Cherokee freedmen, held as follows:

"The adjudication of the Supreme Court of the Cherokee Nation upon the authorities above cited, has therefore the same effect as the adjudication of similar cases by the United States Courts under the Act of June 10, 1896 (29 Stat.L., 321-339), and is entitled to all the respect of a judicial determination of the facts necessarily determined. When reopened to inquiry upon the facts, such adjudication is to be considered by the Commission as evidence of great cogency, to be followed unless it appears that fraud was practiced upon the Court, or that the evidence then before the Court, and that now available before the Commission show that the conclusion of the Court upon the case, for fraud or lack of evidence then available, was clearly wrong. The Commission should regard itself rather as a Court reviewing the case as upon a petition for a new trial than as exercising an original jurisdiction, and ought not to overturn the finding made after the impairment and loss of available evidence by the lapse of more than thirty years."

The evidence further shows that the applicant, Andy Webber, has resided continuously in the Cherokee Nation since birth, and Commissioner Bixby reports that he is identified on the Kern-Clifton and Wallace rolls of Cherokee freedmen.

In view of the decision in the Harry Still case, and for the reasons herein set out, the Office is of the opinion that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L., 495), Andy Webber is entitled to enrollment as a Cherokee freedman. The Office therefore concurs in the recommendation of Commissioner Bixby that the application of Andy Webber for enrollment as a Cherokee freedman be granted.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

KBM-BH

JJ Jr.

. D. C. 8344, 1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I. T. D. 875-1905.  
1033-1907.  
1870- "

February 6, 1907.

L.RS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 28, 1907 (Land 4937), the Indian Office transmitted your report dated January 12, 1907, in the matter of the application of Andy Webber, a party applicant in the Cherokee freedman case of Amanda Hill et al., together with your decision of January 12, 1907, granting the application of said Andy Webber.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

From the reasons set forth in your decision it is apparent that said Andy Webber is entitled to be enrolled as a Cherokee freedman. Authority is hereby granted for the enrollment of said applicant.

In connection with this case the Department is in receipt of a communication from the attorneys for Amanda Hill et al., in reference to the motion for rehearing filed heretofore.

It appears that on January 25, 1906, a motion for a rehearing of the cases of Amanda Hill et al. and Andy Webber was filed with the Department.

On May 7, 1906, the Department considering that it was shown that its decision of September 30, 1904, in the case of Amanda Hill et al., in so far as it applied to Andy Webber, might be erroneous, rescinded that portion of said decision applying to Andy Webber and remanded the case for a further hearing.

It would appear that no action was taken by the Department on that portion of said motion applying to Amanda Hill and her descendants. As it now seems to be shown by the record that said Amanda Hill is a half-sister of Andy Webber and a daughter of Johnson Webber, who was admitted to citizenship in the Cherokee Nation by the Daniels court on June 6, 1871, it would appear that said Amanda Hill and her descendants may be entitled to enrollment as Cherokee freedmen.

In view of these facts the motion for rehearing as regards Amanda Hill and her descendants is hereby granted.

Departmental decision of September 30, 1904, referring to these applicants, is rescinded and you are directed to reopen said case and permit the applicant and the attorneys for the nation to submit such testimony as they may desire as to the right of said Amanda Hill and her children to enrollment as Cherokee freedmen.

-3-

The record is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Thos Ryan  
First Assistant Secretary.

2 inclosures.



Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Preston G. Browning as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, refusing said application.

Respectfully,

Encl. B-85  
ELN

Commissioner.

Through the Commissioner  
of Indian Affairs.

Cherokee R 678

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Preston G. Browning as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *John P. R. R.*

Encl. E-86  
BLR

Commissioner.

Cherokee R 678

901:

Muskogee, Indian Territory, February 23, 1907.

Kimball & White,

Attorneys for Preston G. Browning,

Washington, D. C.

Gentlemen:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Preston G. Browning as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams B. B.*  
Commissioner.

Encl. 2-24  
HLE

Cherokee B 678.

COPY

Muskogee, Indian Territory, February 23, 1907.

Preston G. Browning,

Senson, Missouri.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Encl. W83  
RLR

Register.

Land  
20827-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

Copy

WASHINGTON.

March 1, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Preston G. Browning as a citizen by intermarriage of the Cherokee Nation, together with the decision of Commissioner Bixby dated February 23, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. LARRABEE

Acting Commissioner.

KBM-Ph.

Y.P.  
V.H.M.

DEPARTMENT OF THE INTERIOR,

D.C. 13259-1907.  
IRM.

WASHINGTON.

I.T.D.

7042, 7044, 7046, 7052, 7060,  
7074, 7076, 7080, 7082, 7084,  
7092, 7094, 7096, 7102, 7120,  
7146, 7150, 7152, 7164, 7166,  
7168, 7170, 7172, 7188, 7202,  
7204, 7206, 7210, 7212, 7220,  
7242, 7250, 7254, 7264, 7274,  
7276, 7278, 7280, 7284, 7296,  
7290, 7300, 7302, 7304, 7306,  
7308, 7312, 7314, 7344, 7350,  
7352, 7354, 7358, 7360, 7362,  
7364, 7380, 7382, 7420, 7424,  
7426, 7428, 7440, 7482, 7484,  
7502, 7504, 7508, 7510, 7512,  
7516, 7518, 7520, 7522, 7524,  
7528, 7530, 7532, 7534, 7538,  
7540, 7542, 7544, 7548, 7592,  
7606, 7612, 7616, 7622, 7630,  
7784, all 1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed.

Title of Case.

Date of your  
letter of transmittal.

John Wesley Freeman (freedman),  
Harry H. Curry, et al.,  
Stephen Baldridge (freedman),  
Thomas Bell (freedman),  
Martha J. Burgess (intermarriage),

February 18, 1907.  
February 22, 1907.  
February 18, 1907.  
February 18, 1907.  
February 22, 1907.

Moses Carter (freedman),	February 1, 1907.
Hurshel L. Hyde, (by blood),	February 21, 1907.
John W. Goss, (intermarriage),	February 21, 1907.
William S. Hutchens (intermarriage),	February 23, 1907.
Mattie Mackey (freedman),	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Roy Drum (by blood),	February 27, 1907.
Ioneta Johnson, et al. (by blood),	February 23, 1907.
Cynthia A. Fields, (intermarriage),	February 23, 1907.
Nathaniel Wickliff, (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie C. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Patina Keys (intermarriage),	February 23, 1907.
Levi P. Ebbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Bivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola M. Finwick (freedman),	February 25, 1907.
Wiley Polsten, et al., freedman),	February 23, 1907.
Pansy Grinnett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Levett (by blood),	February 13, 1907.
Maudie Haggins (by blood),	February 15, 1907.
Robert Walber (freedman),	February 14, 1907.
Edward B. Prayner (intermarriage),	February 16, 1907.
Daniel Sitsler, et al., (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 15, 1907.
Felix F. Witt (intermarriage),	February 19, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al. (by blood),	February 13, 1907.
Lilly Irene True, et al., (by blood),	February 23, 1907.
Alberta Sanders, et al., (freedman),	February 23, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearpaw (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 23, 1907.
James Beck (freedman),	February 25, 1907.
J. William Proutt, et al., (by blood),	February 23, 1907.
Charles W. Trent (intermarriage),	February 25, 1907.
John Greece (by blood),	February 25, 1907.
Bessie Landrum, et al. (freedman),	February 25, 1907.
David Monroe Moxee (freedman),	February 25, 1907.
Rosa S. Whitaker (intermarriage),	February 25, 1907.



Roseburn Wright (freedman),	February 14, 1907.
Lenard King, et al. (by blood),	February 14, 1907.
Robert Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 22, 1907.
Sarah A. Trout (intermarriage),	February 25, 1907.
J. D. Amsey, et al. (by blood),	February 25, 1907.
Carnyer Vestel (freedman),	February 25, 1907.
Lizzie H. Jangley (intermarriage),	February 25, 1907.
Charles Goldie Hall, et al. (by blood)	February 20, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Screechowl (as citizens, et al.	February 25, 1907.
Ruby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedmen),	February 23, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields, (freedman),	February 16, 1907.
Edmond Durant, et al. (freedmen),	February 23, 1907.
Jane Crittenden (intermarriage),	February 20, 1907.
Jesse Bell (freedman),	February 23, 1907.
Elizabeth C. Leach (intermarriage),	February 23, 1907.
Elsie Habel Parritt (by blood),	February 1, 1907.
Eliza Rolston (intermarriage),	February 7, 1907.
Tom Hayes Vann (freedman),	February 18, 1907.
Willie Lee Hanks, et al. (freedmen),	February 18, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood),	February 23, 1907.
Martha W. Morgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Dec Herron England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Foster (freedman),	February 23, 1907.
Willie Colbert (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Eliza J. Huston (intermarriage),	February 25, 1907.
Ottorein Allen (freedman),	February 18, 1907.
Viola Martin (freedman),	February 18, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph E. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

91 enclosures, and  
182 enclosures to Ind. Of.,  
with copy hereof.

W.C.F. 2/4/07.

Cherokee R. 678

Muskogee, Indian Territory, March 30, 1907.

Preston G. Browning,  
Seneca, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 23, 1907, rejecting the application for the enrollment of yourself, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

Respectfully,

WMP

*P. G. W.*  
Acting Commissioner.

Cherokee F.N.B.  
335

Muskogee, Indian Territory, March 30, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

*D. Rodgers.*  
Acting Commissioner.

Ind. P-4-60  
100

273

COPIES IN REPLY TO THE FOLLOWING

Cherokee R. 678

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 30, 1907.

Kimball & White,

Attorneys for Preston G. Browning,  
Washington, D. C.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 23, 1907, rejecting the application for the enrollment of Preston G. Browning, as a citizen by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

*W. H. Rogers*  
Acting Commissioner.

Incl. P-4-40  
WHR

Cher R 679

Cher R 679

C 21

9

TO 140

*[Handwritten signature]*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I. T., September 17, 1900.

In the matter of the application of Levi C. Flint for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Note: Being quite deaf, applicant is questioned through his son, George L. Flint:

Q What is your name? A Levi C. Flint.  
Q What is your age? A About sixty-eight.  
Q What is your post-office address? A Weneea, Missouri.  
Q Are you a recognized citizen of the Cherokee Nation? A I have been.  
Q Who do you apply for for enrollment? A Myself and wife.  
Q Ask him how long he has lived in the Cherokee Nation.  
A About four years I guess.  
Q Where does she live now? A Weneea, Missouri.  
Q How long have you lived there? A About nineteen years.  
Q What is your wife's name? A Stella A.  
Q When did he marry her? A November, 1853.  
1890 roll page 22 #147 Levi Flint Delaware District;  
1890 roll page 22 #148 Stella A. Flint, Delaware District.

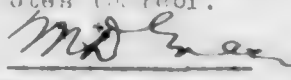
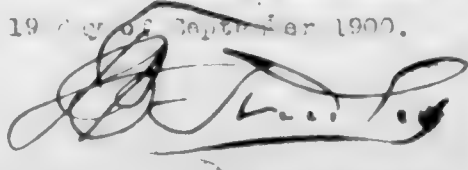
Examined by Election Auditor, W.T. McAdams:

Q Ask him if he ever took a land or an allotment up with the Indians of the Quapaw Agency? A No I had no right.  
Q Ask him when he first owned a farm in the Cherokee Nation?  
A I owned a sort of a farm in 1871 and 1872, and then I didn't own any more until I got this last one; it has been about five or six years.  
Q Then when you removed out of the Cherokee Nation you removed all of your effects? A I had to, I had to move my family.  
Q And have lived continuously outside ever since? A Yes sir.

Com'r Needles: The names of Levi C. Flint and his wife Stella A. Flint appear in the registered list of Cherokee Indians who removed to and located in the Cherokee Nation in accordance with the 15th article of the Cherokee Treaty with the United States of 1866 as #323 and #324; their names also appear upon the census roll of 1896; being duly identified thereby. Because of matter of residence their enrollment will be suspended, and their names placed upon a doubtful card.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 19 day of September 1900.

Commissioner.



DEPARTMENT OF THE INTERIOR  
BUREAU OF GEOLOGICAL SURVEY

FILE

SEP 17 1900

A handwritten signature in dark ink, appearing to be "H. B. Smith", written over the typed name.

ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Name Levi C. Ghint Date SEP 17 1900 1900.  
 District DELAWARE. Year 1896 Page 602 No. 147  
 Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Stella W Ghint

District DELAWARE. Year 1896 Page 602 No. 148

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

1 m 1896 roll as Levi Ghint

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of Levi C. Flint for the  
enrollment of himself and wife as citizens of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

P. G. BROWNING, being duly sworn, testified as follows:

COMMISSION: What is your name? A P. G. Browning.

Q Where do you live, Mr. Browning? A Seneca, Missouri.

MR. CLOVER: What relationship exists between you and Levi C. Flint, this applicant, and Stella Ann Flint, his wife? A Father-in-law and mother-in-law.

Q How long have you known both parties? A Well, I have known them about twenty years.

Q In what tribe of Indians or nation do they belong? A Cherokee-Shawnees.

Q Do you know whether they was ever enrolled on what was commonly known as the Wallace roll? A Yes, sir, they are enrolled.

Q Do you know that they received any payment under that roll? A Yes, sir.

Q Do you know they was on the Dixon roll? A Yes, sir.

Q Do you know whether they received any payment on that roll? A Yes, sir.

Q Do you know if either of them or both of them or anyone at all ever received any allotment of land in the Quapaw Agency? A No, sir, they never received any.

Q Did they receive any payment there as an annuity payment from any of those tribes? A No, sir.

Q What position did Levi Flint occupy in the Quapaw Agency? A He was blacksmith, government blacksmith.

MR. HASTINGS: When did he cease to be a government blacksmith over in the Quapaw Agency? A I expect—let me see now if I can—I think it must have been in 1880.

Q Did he move from there to Seneca, Missouri? A Yes, sir.

Q Has lived there ever since? A Yes, sir.

Q Lives there now? A Yes, sir.

COMMISSION: The following names appear upon the pay roll of Cherokee-Shawnee citizens of the Cherokee Nation as disbursed by D. W. Lipe, Treasurer of said Nation, authorized by an act of the Cherokee National Council approved March 30, 1896: Levi Flint and Stella C. Flint, Nos. 344 and 345, respectively.

The attorney for the applicant will be granted fifteen days in which to supply the Commission with certified copies of the Wallace and Dixon rolls of Cherokee-Shawnees.

COMMISSION: You submit this case to the Commission for final consideration?

MR. CLOVER: Yes, sir.

COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for decision upon the evidence now filed, in addition to the certified copies of the rolls above requested.

11315

RECEIVED  
JUN 11 1902

CO. 11315

Arthur W. Greeninger, being duly sworn, states that as recorder  
for the Commission to the Five Civilized Tribes he correctly  
recorded the testimony and proceedings in the above case, and that  
the foregoing is a true and complete transcript of his stenographic  
notes thereof.

*Arthur W. Greeninger*

Subscribed and sworn to before me this 25th day of February, 1903.

*[Signature]*

Commissioner.

Cherokee B. 112

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.V.R.

In the matter of the application of Levi G. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation.

DECISION.

---000---

The record in this case shows that on September 17, 1900, the applicant, Levi G. Flint, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation. Thereafter, on February 24, 1902, at Muskogee, Indian Territory, further evidence in the matter of the application was heard and the case was submitted to the Commission for final consideration and ordered closed.

It appears from the evidence in this case that the applicant, Levi G. Flint, and his wife, Stella A. Flint, married in November 1881, whose names appear on the Register of Shawnee who removed to the Cherokee Nation prior to June 16, 1871, lived in the Cherokee Nation but a short time before removing with all of their effects and family to the Quapaw Agency, where they remained until the year 1888, in which year they became residents of Kansas, Missouri, where they have resided ever since. Neither the name of the applicant, Levi G. Flint, nor that of his wife, Stella A. Flint, appears upon the Cherokee authenticated tribal roll of 1880, but they are both identified on the Wallace Roll of Shawnee-Cherokees, and the Dickson Roll of Shawnee-Cherokees. They are also identified on the Cherokee-Shawnee Pay roll of 1896 and the Cherokee census roll of 1896.

Cherokee D 315 - 2 -

Paragraph 9, of Section 21 of the Act of Congress, June 20, 1896. (29 Stat. 495.) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that Levi C. Flint and his wife, Stella A. Flint, are not lawfully entitled to be enrolled as members of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be refused and it is so ordered.

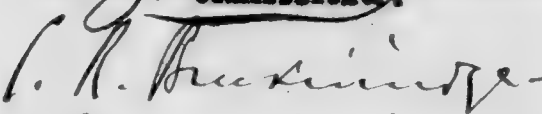
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
this MAY 27 1902

  
C. R. Buckner  
Commissioner.



~~To be filed with Cherokee Nation.~~

Cherokee R-679.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 25, 1903.

In the matter of the application of Levi G. Flint for the enrollment of himself as a citizen of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by adoption of the Cherokee Nation.

Applicants represented by William Henry White, 416 Fifth Street Northwest, Washington, D. C.; Cherokee Nation represented by W. W. Hastings.

Levi G. Flint, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name, age and postoffice? A Levi G. Flint, post-office Seneca, Missouri, and my age is 89 years old.
- Q You are a Shawnee by blood? A Yes.
- Q Is Mrs. Flint also? A No, she is an Omaha by blood.
- Q What blood? A Omaha.
- Q When were you married? A Married in Kansas.
- Q About when? A 1853, November of 1853.
- Q Were you living in Kansas in 1869? A Yes.
- Q Did you come to the Cherokee Nation with the Shawnees? A Yes.
- Q When? A In 1871.
- Q Before June 7th? A Yes, before June 7th.
- Q What members of your family also came? A I would have to study that out as I had a big family. They were all enrolled. They will be found on the register.
- Q Did all the family come? A Yes, they all came.
- Q What did you do to earn a living when you came? A Why, I tried to farm while I was here part of the time and part of the time I worked at my trade, blacksmithing.
- Q How long did you remain in the Cherokee Nation, until when? A I remained here until the fall of '74.
- Q How did you come to leave the nation? A Why, I got an invitation from H. W. Jones, United States Indian Agent, to go to the Quapaw Agency to take charge of the Government shop there. That is how I came to leave here. I thought I could do better over there.
- Q Did you leave any property in the nation? A Yes, I had a little property in the nation.
- Q What? A I had a good house for one thing; a little improvement in the way of a farm, a little ground fenced up, eight or ten acres.
- Q Any stock? A Well, a cow and a calf. I didn't have no other stock because my stock died off before I left here.
- Q Was it a team of horses? A It was a team of horses and the other one was a team of mules.
- Q Did the death of the two teams have anything to do with your leaving? A Why, certainly, I couldn't do anything without a team. I was trying to open up a place.
- Q It then caused you to quit farming? A Yes.
- Q What was the value of the house? A Well, the house was put up for \$600.00;— I paid \$600.00 for it.
- Q Did you leave any farming implements? A Well, at the time I left I didn't have anything but some plow and a harrow.
- Q Did you leave them in the nation? A Yes.
- Q With whom did you leave the cow and calf? A I left them with John Warner.

2-Levi C. Flint et al.

Q When you went to the Quapaw Agency did you intend to return to the Cherokee Nation or not? A Why, certainly; I applied to the Council to be reinstated not a year after I was discharged from the United States service. I was reinstated, but then I neglected to move back in the required time, and I had to apply again.

Q In 1898 did you appear before the Council? A That was the second time I made the application. The first time was '78 or '80.

Q You were enrolled in 1898? A I took for granted I was enrolled; I didn't stay to see it done. Mr. Lamar that was conducting the case for me showed me that I was reinstated, that I didn't trouble myself any further, I was in a hurry to get back home. I didn't stay to see that I was put on the roll.

By Mr. Hastings: The Cherokee Nation objects to the witness testifying that he was reinstated unless it is the intention of counsel for the applicant to produce a record evidence to substantiate it, which is the best evidence in the case, if it be a fact that he was reinstated this second time as he testifies.

By the Commission: Objection noted.

Q Did you and your wife receive shares of the strip money in '96?

A I received money only once since I was there, since I was out of the nation, and I don't remember whether it was strip money or other money; it was just one time. It was on the roll that was made by Wallace.

Q How much did you receive? A I didn't charge my ~~kind~~ memory with the amount.

Q About how many years ago? A I can't remember now.

Q When did you secure the farm you now hold? A It was directly after I was reinstated, I don't remember exactly.

Q Have your wife and daughter, Gertrude, an interest in this farm?

A Why, yes.

Examination by W. W. Hastings.

Q What became of the house and improvements you owned when you left the Cherokee Nation in 1874? A I don't know what Johnson Thompson-what disposition he made of them; I understood afterwards that one of the Landrums got it.

Q You never owned it any longer?

By Mr. White: Object to the question as calling for opinion of law.

By the Commission: Objection noted.

A I thought I owned it as long as it was in Thompson's care, but I don't know what disposition he made of it afterwards.

Q Whose care did you leave it in? A Old Johnson Thompson.

Q After 1874 when did you next see the improvements, if at all?

A

By Mr. White: Objected to as immaterial.

By the Commission: Objection noted.

A Well, I passed through one time and I saw it was all gone back to state of nature. The house was gone away.

Q When was that you passed through, as you say? A In '76 or '77, I don't remember.

3- Levi C. Flint et al.

Q What became of this cow and calf you left there with Weaver in 1874, are they living yet?

By Mr. White: Object to the question that it is frivolous.

By Commission: Objection noted.

A John Weaver kept them until they became quite a bunch of them when I sold the whole bunch to him.

Q When did you sell them to Weaver? A I don't remember what year it was.

Q As near as you can remember? A In '77 or '78, I don't remember the exact date.

Q After 1877 or '78 did you own any improvements or any personal property in the Cherokee Nation before you acquired your present improvements? A No.

Q When did you acquire your present improvements? A I don't remember how long now. It was after I was reinstated by the Council; I got the improvements on the strength of being reinstated; I thought I would hold my rights on that account. I was reinstated in '86, I think.

Q You think in 1896, is that what you say? A I think it was.

Q When were you first reinstated after 1874? A It has been so long, - in '79 or '80, I don't remember now which exactly.

Q Where were you then living? A I was living at Seneca.

Q Missouri? A Yes sir.

Q Were you required to remove to the Cherokee Nation?

By Mr. White: Object to the question as calling for a conclusion of law.

By the Commission: Objection noted.

A No, there wasn't anything said about my moving back right away.

Q Was anything said at all?

By Mr. White: Object to the question as immaterial, as being hearsay.

By the Commission: Objection noted.

A Nothing said about it. Come to remember now, Woodall, the man that reported - I wasn't present at the Council but Woodall told me that there was no limitation set, I could move back whenever I felt like it; that was from Woodall, he was a member of the Senate.

By Mr. White: We wish to withdraw the objections of the last two questions.

Q Why did you state in your direct statement that you were reinstated upon conditions?

By Mr. White: I object to that as not properly putting the testimony of the witness.

By the Commission: Objection noted.

A I don't remember of making any such statement.

Q Did you ever get any act of Council reinstating you?

By Mr. White: Objected to as calling for secondary evidence.

By Mr. Hastings: The Cherokee Nation desires to answer this objection by stating that if this man was reinstated it would have to be by an act of the National Council or an act of some Commission

having authority to do the same, and the written evidence of that is the best evidence of that fact and not secondary.

A Do you mean did I get a copy of it?

A Yes. A No, I never did; it was all verbal.

Q When do you claim to have been reinstated? A The first or second time? I was reinstated twice.

Q The first time? A It has been so long ago; I said it was either in '79 or '80, but I think it was '80 though.

Q How do you know you were reinstated? Did you ever see any decision of any Court or any act of Council reinstating you? A No, I never did; all that I know was that Mr. Woodall, he was the chairman of the Committee, and he told me about my case; he came to Seneca and reported it to me.

Q Then all you know is just what Woodall told you? A That is all. I suppose though it is a matter of record.

Q When do you claim to have been reinstated the second time? A I think it was in the fall of '86.

Q What authority reinstated you? A Why, the Cherokee Council to be sure.

Q Did you ever see a copy of an act of the Cherokee Council reinstating you? A No.

Q You only drew money one time and that was when Mr. Wallace made a roll, is that correct? A Yes, that is correct.

Q Was that in 1889 or 1890 or 1891? A I think it was in '90, I reckon it was, the agent gave me a notice for this payment and I wrote and inquired of him particulars whether I was entitled. I had drawn money before that, a year or two before that, and he said it was the same money that he had paid out, that he had paid out in the first payment; I reckon it must have been '90.

By W.W.Hastings: I will ask the Commission right here to make a note from its record when this Wallace payment was made. I will ask them to place in the record as to when the Wallace roll was made.

By the Commission: It appears from the records of the Commission that the Wallace Roll referred to by the applicant was made in the year 1889 and the payment of that roll was made about 1890 or 1891.

Q How long have you lived in Seneca, Missouri? A I moved in there in '79.

Q What are you doing there? A I am working at my trade, blacksmithing.

Q Have you a house there? A Yes.

Q When did you purchase it? A Just about '95, I guess.

Q Did you own one in Seneca before that? A Before this one I bought in '85?

Q Before 1895? A No; I was renting all that time.

Q Where is your daughter Gertrude? A She is at home at present, taking care of her mother.

Q How much farm have you in the Cherokee Nation, how many acres inclosed? A I expect in the neighborhood of from 150 to 200 acres. I was getting a rental of \$150.00 a year until this trouble come.

Examination by the Commission.

Q What authority did you give Thompson with reference to the disposition of your house? A I didn't give him any authority direct. I owed him a little store bill and I understood he disposed of it and got his pay out of that.

Q Who was Mr. Lamar who told you that you were reinstated the second time? A Mr. Lamar was a member of the Council.

5-Levi C. Flint et al.

Q In what way did you keep up your connection with the Cherokee people from the time you went out up to the time you acquired your present improvements? A That was the only way I tried to keep up my connection with them was to come in and get reinstated; when the limit was passed I come back and was reinstated so as to be ready any time to move in whenever I got ready.

Q Of what do your present improvements consist and how did you acquire them; where are they located? A Well, I just answered that question, part of it anyhow.

Q How did you acquire them? A Farm-buildings --.

Q How did you acquire them and where are they located? A I acquired them by purchase. They are located about three miles north of Arton, in Delaware District.

Q Have you voted at elections in Missouri during your residence there? A Yes.

Q How often? A Why, I voted,-- I don't know exactly how often, nearly at every election though with the exception of the first three or four years.

The names of the applicant as Levi Flint and his wife as Stella O. Flint appear on the Cherokee-Shawnee pay-roll of 1896 at Nos. 344 and 345, but the roll does not show that the money was paid.

By Mr. White-- That also on this book some of the places are indicated as paid while some are blank, and at this particular one there is a blue check. There is no indication showing what the blue check would indicate.

Examination by Mr. White:

Q You have also voted in the Cherokee Nation? A Why, they wouldn't let me do that while I was outside. Judge McKee told me particularly I hadn't no right to vote in the Cherokee Nation while I was outside. I never offered to vote. I thought if that was the rule I wouldn't offer to vote.

By the Commission: The applicant is so deaf that the questions had to be submitted to him in writing.

Charles B. Laughlin, being duly sworn, and examined by applicant's attorney, William Henry White, testified as follows:

Q What is your name, age and postoffice? A Charles B. Laughlin, Seneca, Missouri, and I am fifty-one years old.

Q You are the son-in-law of Levi C. Flint? A Yes sir.

Q Please give me the names of the children of Levi C. Flint and Stella A. Flint, his wife? A George L. Flint is the oldest; then Mrs. Browning, or Sarah E.; then Rebecca L. Laughlin, my wife; Mrs. Lydia Spencer and Gertrude Flint.

Q Gertrude is unmarried? A Yes sir, she is single.

Q Mrs. Browning is dead, is she not? A Yes sir, she is dead. at the present time. She has been dead four or five years.

Q How many children did she leave? A Three children.

Q They are all minors? A Yes sir, all minors.

Q Is George Flint married? A Yes sir.

Q Has he any children? A No sir.

Q And Mrs. Spencer has how many children? A She has three children.

Q All minors? A Yes sir, all minors.

Q And you have how many? A Nine; they are all minors except two; they just recently became of age.

Q Then were minors when the application was made? A Yes sir, they were minors at the time of the application.

Q Are all of these children whom you have mentioned living? A Yes sir.



6-Levi C. Flint et al.

Q Are you familiar with the facts as to Levi C. Flint and Stella A. and Gertrude A. Flint's purchase of improvements in the Cherokee Nation? A Yes sir.

Q When was that made? A That was made in 1896, their present improvements.

Q Where did they get the money to purchase that? A They got it from what is known as the strip payment.

Q Do you know certainly that they received that strip payment? A I do, yes sir; they received that.

Q Did somebody else receive the money for them? A Why, they received the part paid by the United States Government themselves, the adults received their own money, but the part of the Cherokee part I drew that for them under a power of attorney for George L., for Levi and his wife and Mrs. Spencer.

Q Mr. Flint has testified here that he didn't receive the strip payment money; he then is mistaken about that? A How is that, that he didn't receive it? If he didn't he must be mistaken or I am, one or the other.

Q Do you know what use was made of the money? A The money was paid out for these improvements I know; he got the money, but whether he collected this individually I couldn't say or not. If was collected, I couldn't say whether it was his or his wife, but they got the money I know that.

Q He has not sold these improvements which he purchased? A No sir.

Q Have his wife and Gertrude interests in these improvements or not? A Yes sir.

Q Do I understand you to say that the money received by all three of them was used in the purchase of this place? A Yes sir, that is they used their money in common and they paid for it in common.

Q And they treated the rents in the same way? A Yes sir, the rents in the same way.

Q You are acquainted with Mrs. Lydia E. Spencer, the daughter of Levi C. Flint? A Yes sir.

Q She is your wife's sister? A Yes sir.

Q Where was she educated? A After she first got her common school education mostly in Seneca, Missouri, and then after that I wouldn't pretend to say how old she was, she was then sent to Carlisle, Pennsylvania, the Indian school there.

Q How long did she remain there? A She was there five years. She completed her course in 1893.

Q Do you know when she was born? A Well, she was born about 1871, the early part of it. I forget whether it was February or January.

Q And then when she returned from school she must have been about twenty-one years of age? A Yes, about that.

Q Then if she remained at school five years she must have left for that school when she was about sixteen years of age? A Yes, that is the way it would figure out, about sixteen years of age; she was about that.

Q When was she married? A She was married in November, of '92.

Q Of the year she returned? A The same year.

Q How long did her husband live? A He was killed on the 6th of July, 1900.

Q They lived as husband and wife until his death? A Yes sir.

Q What is Mrs. Spencer's present employment? A I don't know exactly what the government terms it. They call her little boys' matron.

Q Where? A At the school, in the Indian school, Wyandotte. At the Wyandotte Indian School.

Q She is in the government employ there? A Yes sir.

Q How long has she been so employed, since before her husband's death? A Yes sir, before her husband's death. I ain't sure but I think it was in 1899 she was employed.

7-Levi C. Flint et al.

Q You do remember that her employment began before her husband's death? A Yes sir, she was in the government employ then.

Mr. White: We offer a statement of the Superintendent and United States Indian Agent, Wyandotte, Indian Territory, as to the term of service of Mrs. Lydia K. Spencer.

V.W.Hastings: The Cherokee Nation has no objection except that it is immaterial.

Commission: The document will be offered in evidence and made a part of the record in this case.

Q Has Mrs. Spencer any improvements in the Cherokee Nation? A Well, yes, sir.

Q When did she acquire them, if you know? A I think she acquired them about the same time as the rest; I know they were all getting it the same time.

Q What year was that? A In '86, possibly a year later, '86 or '7. I will say, however, she had it, - I don't know whether that would count for any property, she had a town lot in Fairland, I don't know whether that is counted; she had a town lot in Fairland in '83.

Q How many acres has she under fence? A About two hundred; that is as near as we can come at it.

Q Has she sold any part of her improvements? A No sir.

Q Mrs. Rebecca L. Laughlin is your wife? A Yes sir.

Q Where were you married? A Seneca, Missouri.

Q When? A The fifteenth of March, '82.

Q How old was your wife at the time of your marriage? A Eighteen; she was married on her eighteenth birthday.

Q Was she employed before her marriage? A Yes sir, she had been employed in the Indian service at this same Wyandotte-Seneca-Shawnee school.

Q Was she in the employ of the United States Government? A Yes sir.

Q Until the time of your marriage? A Yes sir, up within two or three weeks; she resigned two or three weeks before the marriage.

Q She has been living with you as your wife ever since? A Yes sir.

Q Has she improvements in the Cherokee Nation? A She has, yes sir.

Q When did she acquire them? A In 1883.

Q How many acres of land has she under fence? A About four hundred.

Q Has she sold any part of the same? A No sir.

Q Did she and your children draw the strip money? A Yes sir.

Q Was any part of this money used in purchasing improvements in the Cherokee Nation? A It was.

Q Where were your two oldest children born, her two oldest children also? A In the Quapaw Agency; it was in the Peoria reservation, but it was under the jurisdiction of the Quapaw Agency.

Q Do you know whether or no Mrs. Spencer received her pro rata share of the strip money? A Yes sir.

Q Do you know whether or not she used this money for the purchase of improvements in the nation? A Yes sir.

Q Your wife is the daughter of Levi C. Flint and Stella A. Flint? A Yes sir.

Q When were Mr. and Mrs. Preston G. Browning married? A They were married in 1883, in October; I couldn't tell you the exact date further than the month.



Q Do you know whether or not they acquired any improvements in the Cherokee Nation? A Yes sir.

Q When first? A Well, as near as I can arrive at the date it must have been in the ——— they commenced improvements in the fall of '85, in the fall and winter.

Q What improvements were they? A They had one hundred acres at that time.

~~Q Was the house built on that improvement? A The house was built on that improvement.~~

Q When, if you remember? A I can't tell the exact date of that, further than this, it was the latter part of that winter which must have made it early in '86; I am arriving at that date, you understand, by a hardware bill I come across. Of course, I looked it up.

Q At the time of Mrs. Browning's death how many acres did she and her husband have improved in the Cherokee Nation? A They estimate that they had eight hundred acres; further than that I don't know, only what they said; they estimated that there were improved eight hundred.

Q Have you seen this tract of land? A Yes sir.

Q What is your estimate on that? A It wouldn't be far off, I would say from 700 to 800.

Q All under fence? A Yes sir.

Q Any other property? A You mean for Brownings?

Q Yes? A Yes, they had interests in lumber yards in the territory.

Q Did Mrs. Browning and her children secure a pro rata share of the strip payment? A Yes sir.

Q Do you know what was done with that money? A No, I don't, further than they told me that it went into his business.

Q What business? A The lumber business.

Q Where? A Well, I suppose in the yards.

Q Where were they? A They were living in Seneca.

Q Where were the yards? A They were in the territory here.

Q Where in the territory? A Do you mean the present time or different times?

Q Different times? A At one time they had one at Prairie City, now called Oggechee, but that was discontinued. They have one at Fairland.

Q They have now? A Yes sir, they have now; one at Vinita, one at Chelsea and one at Grove. They had one at Adair, but that was afterwards abandoned; they put it with one of their other yards. They also had one at Catoosa, that was afterwards consolidated with one of their other yards.

Examination by W. W. Hastings.

Q Mr. Laughlin, where were you married? A Seneca, Missouri.

Q Where do you live at present? A I live at Seneca.

Q I believe you say you have nine children? A Yes sir.

Q All but the first two were born in Seneca? A Yes sir, all but the first two, they were born in Missouri; they were born in Seneca, yes, all of them.

Mr. White: All of them but the first two? A Yes, I was answering his question.

Mr. Hastings: How old is your third child? A The oldest one that is a minor?

Q Yes. A She is seventeen, will be eighteen next birthday, next month.

8-Levi C. Flint et al.

Q What is your business at Seneca? A I am in the grain business.

Q How long have you been in that business? A Well, to sum up all the time I have been in it, I have been in it right at fourteen years, close to it.

Q Do you own a home there? A I own one myself.

Q You are a white man yourself? A Yes sir.

Q Citizen of the United States? A Yes.

Q You don't claim citizenship here? A No sir, I have made no claim to citizenship.

Q Where does George Flint live, your wife's brother? A He now lives in the Ottawa reservation in the Quapaw Agency.

Q How long has he lived there? A Three or four months.

Q Where did he move from? A Seneca. I mean he has been up there about two months.

Q How long had he lived in Seneca, Missouri, prior to his removal there? A I couldn't hardly say about that, I can't remember the exact date. Well, if you will allow guess work I would say ten or twelve years.

Q Where was he married? A The last time in Wyoming. He has been married twice.

Q Where was he married the first time? A The Ottawa Nation, Quapaw Agency.

Q You haven't mentioned George Flint as owning any improvements in the Cherokee Nation? A Not that I know of.

Q Now Mr. Laughlin, I want to ask you when you became personally acquainted with Mrs. Browning owning improvements in the Cherokee Nation, she is dead now, but when did you first know of your own personal knowledge? A When we went in.

Q When was that? A That was about the fall of '85.

Q Were you upon those improvements at that time? A No sir, I just got this from conversation with Mrs. Browning and Mr. Browning.

Q When did you first see their improvements? A I couldn't say.

Q Have you ever seen them? A Oh, yes.

Q When first? A That is coming down pretty close, - I couldn't tell you exactly when, but it must have been about some place from '88 to '90.

Q Are these the same improvements that you claim there also, namely the children own now? A Yes sir.

Q I believe you said your wife purchased, or you son, her, improvements in about '93? A Yes sir.

Q Where are those? A They are north of Afton, about five miles.

Q Who did you purchase them of? A I purchased them of P. G. Browning.

Q Part of the same improvements he had made? A They are part of the improvements. This first improvements that he made, it his eight hundred acres, is outside of the improvements I purchased of him.

Q Where was Browning and his wife married? A They were married in Delaware District, at the clerk's office.

Q Where was P. G. Browning living at the time? A His home was in Seneca at that time.

Q What was his business at that time? A Well, I think he was in the saloon business at that time.

Q He has always maintained since that time some kind of business in Seneca, hasn't he? A Yes sir.

Q Does he own a home there? A Yes sir.

Q Well, you speak of his being interested in some lumber yards before in the Cherokee Nation. Did he also have one in Seneca, Missouri? A He had an interest in one at Seneca.

Q Did he own these in the Cherokee Nation or did he have an interest in them? A I don't know as to that; that is part of his private business, as far as he owning the whole business I couldn't say about that. It is understood that they are his lumber yards, that is as far as I know.

10-Levi C. Flint et al.

Q Mr. Browning's wife died, I believe you said, three or four years ago? A Yes, it is longer than that, I suppose.

Q About how long? A It must be about five years.

Q Since that time he remarried, didn't he? A Yes sir, he remarried since.

Q Do you know about when he married the last time? His last wife was a white woman? A Yes sir.

Q He married her some time prior to the first of last September?

A Yes sir, he married prior to September 1, 1902.

Q Where was he living at the time he died? A Seneca.

Q His children living there with him? A Yes sir.

Q Where did his first wife die? A She died in Seneca.

Q Now, after their marriage in 1885, up until each of them died, they lived in Seneca, Missouri, with their family, their children?

A Yes sir.

Q All of their children were born there? A Yes sir.

Q I mean Browning? A Yes sir.

Q Since before the birth of your oldest minor child you and your wife have also lived in Seneca, Missouri? A Yes sir, not continuously either for there was one year I spent in the territory in the government service, about '90.

Q In the Quapaw Agency? A Yes sir.

Q With that exception of one year you lived in Seneca, Missouri?

A One year or a year and a half, yes sir.

Q Now, is Mrs. Spencer living, I have forgotten? A Yes sir.

Q Where does she live? A She is at work in the Wyandotte Indian School.

Q She has been at work there according to that letter, since August, '99? A Yes sir, I think it was August, '99.

Q Prior to that time where did she live with her husband? A Seneca.

Q Her father and mother were living in Seneca, Missouri, while she was off at Carlisle at school? A Yes sir.

Q They were living there at the time of her marriage? A Yes sir.

Q And subsequent to her marriage she continued to live there until her employment in the Government school in '99, is that true? A Yes sir.

Q I believe you say, her husband was killed in 1900? A Yes sir.

Q Was he a citizen of the United States? A Yes sir.

Q Did they own a home in Seneca? A No sir.

Q What was his business? A He was a traveling man; he was collector for the Deering Harvesting Machine Company part of the year, and part of the year for the Dowagiac Drill Co.

Q Where is Gertrude Flint? A She is at home at present.

She is with her father and mother.

Q Has she made that her home all the time? A Yes sir, she has made that her home.

Q Has she been out in the states, away from there? A Yes sir.

Q Where? A She took a course at Carlisle Institute, - I mean Haskell Institute, Lawrence, and when she completed she was employed there one year, and two years she has been employed at Fond du lac, Wisconsin, at the Indian school, and she would have been there yet if it hadn't been for the health of her mother.

Q Her father and mother lived in Seneca, Missouri, and that was her home? A Yes sir.

Q When did this George Flint go to Wyoming? A I don't know.

Q Did you know him when you were married? A Yes sir.

Q Where was he then? A He was in the Ottawa Nation.

Q How long did he stay there after your marriage? A He was there until his wife died, I don't know just what year, but she died probably about two years after I was married.

Q And how long was it before he went to Wyoming? A A good long time after that, I couldn't say how many years. He worked around in that country about as long as I stayed in the Quapaw Agency, he worked around in the Peoria Nation.

11-Levi C. Flint et al.

Q When did you leave the Quapaw Agency? A In '84 the first time; and then after that he stayed there at what is called the Quapaw Mission school for some time; he was employed there for two or three years anyway.

Q Mr. Laughlin, do you know personally about the purchase of this improvement by Levi Flint and his wife and his daughter, Cortrude?

A Yes sir.

Q Were you present? A I made out the contract.

Q From whom did they purchase it? A From P. G. Browning.

Q Their son-in-law? A Yes sir.

Q Did he give them a written contract? A Yes sir.

Q A Bill of Sale? A It wasn't exactly a Bill of Sale; it was a note in the shape of a contract and that note was redeemed and they got the payment.

Q How do you know? A From the fact that Browning told me so himself.

Q Do you know it personally? A I know it that way. He told me personally that the note had been paid, I didn't see it. I took his word for it.

Q You told me personally about it too? A Yes.

Q Were you ever on this land that these people purchased? A Yes sir.

Examination by the Commission.

Q When did you first get acquainted with Levi C. Flint? A In 1879.

Q Where was he then? A In the Quapaw Agency.

Q And you have known him ever since? A Yes sir.

Q Was he ever employed by the United States Government? A He was employed and was let out when I came there. There was several employees let out at the same time.

Q What was he doing? A A blacksmith.

Q Where? A At the Quapaw Agency.

Q He hasn't been employed in the United States Government then since 1879? A No sir.

Q Now, you say George L. Flint doesn't own any property in the Cherokee Nation? A No sir, not that I know of.

Q He hasn't lived in the Cherokee Nation since he went out with his father? A I couldn't say about that, any further than he has said he was in the Cherokee Nation about a year afterwards, and I don't know what year it was or where; I just have that from a conversation with him.

Q Now, you say that Preston G. Browning has lived in Missouri ever since his marriage? A Yes sir.

Q Does he rent his farm that he has here? A Yes sir.

Q He first acquired these improvements about '85 or '86? A About '85, I think it was in the fall of '85.

Q Have they owned them ever since that time? A Yes sir, with the exception of what I bought from them. The improvements that he claims now he owned them ever since.

Q You bought yours when? A In '93.

Q That is for your wife? A Yes sir.

Q And children? A Yes.

Q Have you rented them out since that time? A Yes sir.

Q Your wife has never lived in the Cherokee Nation? A No sir.

12- Levi C. Flint et al.

Q And Gertrude P. Flint has never lived in the Cherokee Nation at all, has she? A No sir.

Q Now, when did you say that Mrs. Spencer acquired her 120-acre tract? A Well, about 1896.

Q The same time as her father? A Yes sir.

Q They wanted the place? A Yes sir.

Q She has never lived in the Cherokee Nation since she left with her father? A No sir.

Q Now, none of these applicants have allotments up in the Quapaw Agency, or any of these agencies? A They have no allotments any place.

Examination by Mr. White.

Q The school which Mrs. Spencer attended at Carlisle, Pennsylvania, was the Indian school at that place? A Yes sir.

Q It is conducted under the United States Government? A Yes sir.

Q Her husband at the time of his death was in what employment?

A He was a private in the United States Army.

Q Does she draw a pension for his death? A Yes sir.

Q Was Gertrude a minor when she began attending the United States Indian school at Haskell; was she under eighteen years of age? A I am not sure about that; I think she was over eighteen when she went there.

Q Can you fix the date of her birth? A In 1878.

Q And when did she go as a student, I mean to that school? A It is five years ago, I think since she went.

Q What I understand you to say she was educated there? A She just took a normal course there for teaching; most of her education was received at Seneca.

Q Preston G. Browning is dead, is he not? A Yes sir.

Q When did he die? A The ninth of February, 1908.

Q How many acres are embraced within the improvements owned by Mrs. Laughlin? A About one hundred.

Q And by Mrs. Spencer? A By Mrs. Spencer about two hundred, I think. These are estimates we have to arrive at by a general knowledge of the outlines. You see these improvements don't occupy certain forties, some run on one forty and some on the other. But it is close to two hundred acres.

Q And how many, Levi C. Flint, Stella A. Flint and Gertrude, in their tract? A About one hundred and sixty as near as we can come at it.

Examination by Mr. Justice.

Q Mr. Laughlin, were you present when Mr. Levi C. Flint drew any of the Cherokee strip money? A No sir, I wasn't present when he drew it.

Q Then what you stated about his money is from information you have received from others? A Yes sir, nothing that they had the money to use.

Q You didn't draw it yourself? A No sir.

Examination by the Commission.

Q You drew money for some of these entries? A I withdrew for myself and children.

Q Did you draw for any of ours? A I drew for all of them when the Cherokee sold that part.

Q That was for all of them? A Yes sir.

Q You mean for Levi C. Flint, his wife and all his children? A Yes sir, and even George Flint.



13- Levi C. Flint et al.

Q And for Mrs. Spencer and her children? A Yes sir.  
Q And for Mrs. Browning's children? A Yes sir, Mrs. Browning and her children.  
Q And for your wife and your children? A Yes sir.  
Q Do you remember how much was paid to you? A No, I don't remember exactly, but it was the balance, whatever the balance was the Cherokees were paying.  
Q Something like fifty dollars a piece? A Yes sir.  
Q Where did you draw that money? A At Vinita.  
Q In '86? A I think it was in '86.  
Q Who paid it to you, do you know? A The Cherokee treasurer; I believe his name was Lipe.  
Q E. W. Lipe? A I don't know his initials; he was the Cherokee treasurer.

H. C. Miller, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A H. C. Miller.  
Q You live at Seneca? A Yes sir.  
Q What business are you in? A I am in the lumber business.  
Q You were associated with Mr. Preston G. Browning in that business at the time of his death? A Yes sir.  
Q Which occurred when? A The tenth of February.  
Q This year? A Yes sir, this year.  
Q Do you know whether or not Mrs. Browning and her children received their share of the payment, of the strip payment? A Yes sir.  
Q Do you know what became of that money? A Well, they invested it in the lumber business.  
Q Do you know when Mr. and Mrs. Browning first began making improvements in the Cherokee Nation? A Why, they established a lumber business at Prairie City in '85.  
Q When the next lumber yard? A The next lumber yard was at Chelsea in '87.  
Q And the next? A At Vinita, in '87.  
Q And the next? A And at Adair shortly after that.  
Q And the next? A Catoosa, about a year after that.  
Q Is that all? A Then at Fairland in '91, and at Grove in '94.  
Q Is that all? A Yes sir, that is all the lumber yards.  
Q Then as to the farm? A He built his house in the winter of '85 and '86.  
Q Do you know how many acres he first had under fence? A No, I don't know how many acres he had.  
Q Do you know how many they had at the time of her death? A No, only by hearsay.  
Q Do you know whether or not they sold these improvements? A No, they haven't sold the improvements because I know that Mr. Browning was to go about that a short time before his death.

Examination by Mr. Hastings.

Q When did he discontinue the business at Prairie City? A Well, I don't remember exactly, but it was to the best of my recollection about a year or a year and a half.  
Q After it was established? A Yes sir.

14-Levi C. Flint et al.

Q When was it discontinued at Chelsea? A It never was discontinued there.

Q It is a firm business in which Mr. Browning had some interest?

A Yes, he established the business.

Q It was run in his name and he had some interest? A Yes sir.

Q In the Cherokee Nation you run it here in his name? A Yes sir.

Q He just had an interest in the business? A We had an interest in the business. You might construe it in there; he Superintended the business.

Q Did he have an interest in the business? A Yes sir.

Q Any financial interest in the business? A Yes, I couldn't tell you how much.

Q Why can't you? A I loaned Mr. Browning some money when he first went into the business and he had money from one other party that I know of, and I couldn't say.

Q Well, that is all over now, can't you tell what interest he had in this business, if any, what financial interest? A Well, because I don't know. I couldn't tell that exactly. I could tell what I let him have.

Q How much did you let him have? A In the first place about 1600.00.

Q You never saw his farm or anything? A I was on his farm once.

Q When? A It has been several years ago. I don't remember, it was as much as eight years ago.

Q That was the only time you were ever on it? A Yes sir.

Q And all the rest you state is what he told you or other told you? A Yes, you might say that to a certain extent. Yes, I know all about his building a house, his lumber and a carload of posts that he bought.

Cyrus C. Gornetzer, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A Cyrus C. Gornetzer.

Q And where do you live? A Vinita.

Q How long have you known Levi C. Flint and Stella A. Flint? A All my life.

Q How old are you? A About fifty years old.

Q You knew them in Kansas? A Yes sir.

Q They were recognized Shawnees there? A Yes sir.

Q Do you know when they came to the Cherokee Nation? A Yes sir, they came down in '71 when we all came down.

Q Before June 7th? A Yes sir.

Q Did you know them while they were in the nation? A Yes sir.

Q What did Mr. Flint do for a living when he first came to the Cherokee Nation? A Farming.

Q How long did he continue to farm? A Why, up until the time before he left up there. I think it was in '74 when he left.

Q Do you know what his financial condition was at that time? A He was like the rest of us, lost all his horses and quit farming.

By J. L. Hastings: Objected to by the Cherokee Nation on the grounds as being immaterial.

Q Do you know when he left the Cherokee Nation? A In the fall of '74.

Q What, if any property, did he leave in the Cherokee Nation when he left, that you know of? A He left a little place there.

A house and he had about -- I don't know how much he did have in cultivation.

Q How much did he have fenced if you know? A I couldn't hardly say, I thought about ten or twelve acres.



15- Levi C. Flint et al.

Q He left the house behind? A Yes sir.

Q And the fences? A Yes sir.

Q Do you know of any other property that he left? A No, I don't know; I heard he left his cattle with Weaver, but I don't know; that is hearsay.

Examination by Mr. Hastings.

Q What became of his house and that little place that he owned?

A I don't know. I think Landrum bought the house.

Q You didn't know it had gone to Johnson Thompson for a store bill?

A I don't know.

Q Didn't Johnson Thompson afterwards have it in his possession?

A I don't know about that; I know Landrum bought the house, but I don't know who he bought it from.

Q Was the field improved, or wasn't the house burned up? A No, Landrum moved the house on his place.

Q Moved it away from this place? A Yes sir.

Q The place then that the house was on went back to the public domain? A I don't know, I don't recollect; he bought it.

Q You don't know how long afterwards? A Bill Davis owns the place now.

Q You don't know whether it first went back to public domain, or afterwards taken up, or how? A No sir, I don't know how it was disposed of. I moved away from there afterwards.

By Mr. White: Johnson Thompson is dead, is he not? A Yes sir, that is what I heard.

John Weaver, the mill man, and examined, testified as follows:

Examination by Mr. White.

Q What is your name, John Weaver? A John Weaver.

Q Where do you live? A Vinita.

Q How long have you known Levi and Stella A. Flint? A About thirty-two years, I guess, about thirty-two or thirty-three; I have known them since '71.

Q You knew them when they came in from Kansas to the nation? A I knew them right afterwards.

Q You knew them while they lived in the nation? A Yes sir.

Q What was Mr. Flint doing for a living at that time; when he first came what did he do for a living? A He was trying to farm a little, I think.

Q Were you one of his neighbors? A Yes sir.

Q Did you visit his place often? A Yes sir.

Q How often? A About once a week.

Q Do you know why he quit farming? A I think his stock all died on him and his horses, and he didn't have anything to buy anymore to carry on his business.

Q They were at this time in bad financial condition, were they?

A Yes sir, I considered them so.

Q Do you know where he went from the Cherokee Nation? A He went into one of those little encloses up there; I don't know which one.

Q What, if any, property did he leave in the Cherokee Nation when he left? A He left a house and a cow and a yearling.

Q He left the cow and the yearling with you, did he? A Yes sir.

Q What did you do with them? A I left them until they were increased to thirteen head and I bought them from him.

16-Levi G. Flint et al.

Q How long did that take? A It must have taken something like eight or ten years; it was so long I couldn't tell exactly how long it was.

Q Have you ever visited Flint and his wife at Seneca? A Yes sir.

Q Did you ever have a conversation with either of them in which they stated whether or not they intended to return to the Cherokee Nation? A No, I never had a conversation with them about that.

Q Not with Mrs. Flint? A No sir, I never did myself.

Q Tell me did? A I heard my wife had a conversation with the old lady about that.

Q It was in your presence then? A Yes sir, it was in my presence.

Q What, if anything, in that conversation did Mrs. Flint state in regard to her intention and her husband to return to the Cherokee Nation?

By W. W. Hastings: Objected to by the Cherokee Nation because it is hearsay, because it is immaterial and because it is self-serving.

By Commission: Objection will be noted.

By Mr. White: The evidence is offered as the best and only evidence of the intention of the party at the time.

By Mr. Hastings: The objection is made to this because the Cherokee Nation believes that the subsequent conduct of these people show that that intention was untrue.

A I heard my wife ask her when they were going to move back and she said they were trying to get ready to move back as quick as they could; that is all I heard said about it.

Q When was this? A Why, that has been about, I think eight or nine years ago.

Examination by Mr. Hastings.

Q They never did move back, did they? A No sir.

Q They still live in Seneca, Missouri? A Yes sir.

Q These people were very poor when they left the Cherokee Nation?

A Yes sir, I considered them very poor.

Q In needy circumstances? A Yes sir.

Q And still they left the only cow and calf they had with you?

A Yes sir.

Q Never had another cow and calf? A I don't know what they had after they left here; that was all they had when they left here though.

Q What became of that little place they were living on? A Well, sir, really I think it was moved off, I don't know.

Q Didn't you know Thompson - Johnson Thompson - got it for a store debt? A I don't know, it was moved off.

Q What became of it? A I don't say.

Q The house was moved off the place and gave up development? A Yes sir.

Q And reverted to public domain? A Yes sir.

Q And some one else afterwards settled on it? A Yes sir.

Q About how many rooms were in the house? A Two rooms, a frame house.

Q What was it worth? A I would judge at that time it would cost something like four hundred or five hundred dollars.

Q A two-room frame house? A Yes sir.

Q Was it painted? A I think it was.

Q Do you know? A I ain't certain, but I think it was painted; it was a two-room house.

Q Don't you know there wasn't a painted house in this country in '71 or '72? A Yes, there was then.

Q How far was it from Vinita? A This old man Roger's place.

Q I ain't asking you about that? I am asking how far from Vinita? A It was twelve miles.

Q You lived adjoining it, did you? A Yes sir, right close to it.

Q You kept this cow eight or ten years? A Yes sir.

Q And then you bought it and paid him for it? A Yes sir.

Q And that is the end of it? A Yes sir.

Q Now this little place, this cow and calf was the only property he left there, was it? A Yes sir, that was all I knew he had.

Examination by the Commission.

Q When did you say this conversation took place? A This was in Seneca.

Q Eight or nine years ago? A Yes sir.

Q When he left this cow and calf with you did he say anything about coming back? A Yes sir, that was his intention.

Q What did he say? A He wanted me to keep the cow and calf until he come back.

Q What did he say to you? A Why he just simply told me to take the cow and calf until he come back, for me to take it for him, that was our understanding.

Q How much of a farm did he have there? A I think there was about eight or ten acres; that was a pretty good farm them days.

Q In cultivation was it? A Yes sir.

Q What time of the year did he move? A I think it was in the fall of the year.

Q Did he make any crops on the farm? A No sir, I don't think there was; I don't think there was any crop on it.

Q When was this house moved? A It was done before I knowed it was gone hardly. But I rather think it was probably along in the spring of '75.

Q That was the year after they moved? A Yes sir, six months or a year afterwards.

Q Where did you buy these cattle from him, while he was in Seneca?

A No sir, I bought them right on my own place.

Q Did he come back? A Yes sir.

Q And sold them to you? A Yes sir.

Q Was that the time you had the conversation with him, - your wife had the conversation with his wife? A No sir.

Q Did he say anything at that time about coming back? A No, I didn't hear him say anything about it at that time, I don't believe, since he come down to see about the cattle.

Q Have you been up to his house home at Seneca? A No sir, I haven't been up there.

Q Wasn't that where you had the conversation with him? A That was afterwards.

Q You have been up to Seneca? A Yes, I have been up there.

Q Has he got a farm there? A No sir, I haven't a farm there.

Q Has Flint got a place up there? A I couldn't say whether he has or not.

Q What does he do for a living? A He blacksmiths up there for a living.

18-Levi C. Flint et al.

Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days.

By Commission: Applicant will be allowed five days to present evidence of the readmission to citizenship of the applicants in these cases, if he so desires. The Cherokee Nation will likewise be allowed to introduce testimony that they were not reinstated.

By W. W. Hastings: The Cherokee Nation desires to offer in evidence Section 761 of the Compiled Laws of the Cherokee Nation found in the Compilation of 1892, pages 376 and 377, as follows:

"All improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place, for the term of one year, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall thenceforward be considered their lawful property; provided, nothing in this act shall be so construed as to impair the rights of orphans."

The Cherokee Nation offers in evidence Section 283 of the Compiled Laws of the Cherokee Nation of 1892, page 136 of the compilation of 1892:

"Judgment shall not be rendered for the recovery of any improvement upon the public domain in any suit brought before the courts of this Nation, unless such suit be instituted, as required by law, within three years next after the time at which the right of bringing suit for the recovery thereof, or the cause of action shall have accrued to the person claiming the same, or to the person through whom he claims, saving to minors and persons "non compos mentes", the three years named above after the removal of their disabilities."

By Commission:

Applicant desires to have the testimony taken in this case filed and made a part of the record in the following cases: George L. Flint, Cherokee R-680; Gertrude F. Flint, Cherokee R-675; Lydia K. Spencer et al., Cherokee R-676; Preston G. Browning et al., Cherokee R-678, and Rebecca L. Laughlin et al., Cherokee R-677; and it is so ordered.

By Mr. White: I state that I have gone through the Executive Office of the Cherokee Nation where certain books were shown to me purporting to be acts of the Cherokee National Council for the years 1878 and 1880 and for the year 1896; that the Clerk in custody of those records stated that they were the only records he had and I wish to object at this time to the introduction of any transcripts of those records, or to any certificate that as to whether what does or what does not appear of record, for the following reasons: First, that the records bear upon their face the evidence of having been carelessly kept; second, that in some instances they purport to be signed by the various officials of the Cherokee National Council, but an inspection shows that the handwriting of all the signatures are the same, and they were therefore not signed by the officials them-

selves; third, nowhere in such records does it appear that the records contain all of the acts of the Cherokee National Council; fourth, there is no resolution of the Cherokee National Council showing that the records as kept contain all of the acts of the Cherokee National Council; fifth, in the absence of this matter of identification I will further object to the introduction of them unless the handwriting is proven; further, I am compelled to leave the city at once and consent that Mr. Hastings, for the Cherokee Nation, may introduce J. T. Parks, as a witness, who is the Executive Secretary, in my absence.

.....

Evidence taken on part of the Cherokee Nation on

May 28, 1903.

Cherokee Nation represented by T. W. Hastings: No appearance of W. H. White, Applicants Attorney.

Andrew B. Cunningham, being duly sworn and examined, testified as follows:

By W.W.Hastings: Your name is Andrew B. Cunningham? A Yes sir.

Q What is your age? A Thirty-two.

Q What is your occupation? A Tablequah.

Q What official position, if any, do you hold? A I am Assistant Executive Secretary of the Cherokee Nation.

Q Who is the Principal Executive Secretary? A J. T. Parks.

Q Is there another Assistant Executive Secretary in addition?

A Yes, J. L. Garrett.

Q Are you all three the custodian of the records of the Executive Department of the Cherokee Nation equally? A Yes.

Q I will ask you if Mr. Parks is present and in the town of Tablequah at this time? A He is not.

Q When did he leave town? A He left town Tuesday noon.

Q Last Tuesday at noon? A Yes sir.

Q I will ask you if he is expected to be gone some days? A He told me he would be back about Sunday or Monday.

Q This coming Sunday or Monday? A Yes sir.

Q Where has he gone? A He went to his farm way up on the Missouri line. He went around by the way of Vinita with his family and he probably stopped there for a day or so; his wife and baby went with him.

Q Well, you have already stated that you are custodian of the records along with J. T. Parks and your other Assistant Executive Secretary of the records of the office of the Cherokee Nation? A Yes sir.

Q Are you the custodian of the acts of the Cherokee National Council? A Yes.

Q Mr. Cunningham, what has always been the practice, or how are the acts of the National Council kept after they are passed or enacted into law, are they transcribed in any books for preservation?

A Yes, the custom of the Cherokee government when an act is passed by the National Council and approved by the Chief it is turned over to the Secretary and transcribed into a book marked "Laws of the Cherokee Nation" from a certain date to a certain date. In many instances these original acts are returned to the



house in which they originated; I don't know where they are; there may be some old acts in the Senate safe or Council desks, but in many instances they were returned; that was the custom many years ago. We have some of them on file of late years.

Q Have you examined the original records of the Executive Department in which the acts of the National Council are kept for the years, say from 1875 to 1880 inclusive? A Yes, I examined the acts in that book. (Book presented before the Commission.)

Q Is this the book you present here? A Yes sir, we recognize this as the record of law from 1875 to 1880.

Q So far as you know does that contain all the law between those dates? A As far as I know it does, yes; that is all except 1880 and I have another record over there with the balance of '80.

Q Then it contains all the law from '75 to 1880 inclusive except a few in 1880 which is continued in another book? A Yes sir.

Q I will ask you if these records bear upon their face that they have been carelessly kept? A No, I don't think so. I think the records in those days were much better kept than they are at present.

Q I will ask you if any of the laws which are copied into these records which you present here to the Commission were ever signed by the Council officials, or were they copied in here by the Executive Secretary? A The Executive Secretary simply had one of his Assistants copy this act as approved by the Principal Chief, and all of those names were copied right off into a book, and in many instances these original acts were sent back to the Council. It used to be the custom to return them at once as soon as they were transcribed.

Q Well, these acts were compared with the original? A Yes, it was the custom for the Assistant to copy or transcribe an act and there was an Assistant there to compare it; that was the way we worked them things.

Q Do these records purport to contain all of the acts of the National Council between these dates of which you stated? A They do.

Q Was it ever regarded as necessary that the National Council pass a resolution certifying that these books were correct copies? A I never knew of anything like that, or of it deemed to be necessary.

Q Now you state that you examined these laws from 1875 to 1880 inclusive and also the acts of 1886. I will ask you if these records contain any act or resolution or action of the Cherokee National Council readmitting to citizenship or reinstating Levi C. Flint to citizenship in the Cherokee Nation? A I have examined these records and fail to find any such record.

By Mr. Hastings: Here the Cherokee Nation tenders the original records testified of by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, to the Commission for inspection and for such remarks as the Commission might find necessary to make with reference whether or not they have been carelessly kept or whether or not they have been well preserved inasmuch as objection was made to them upon this ground by the attorney for the applicant in this case.

Q The record in this case shows that Levi C. Flint's wife's name was Stella A. Flint and they had children by the names of George Flint, Rebecca, Lydia K., Sarah E. and Cortrude. Rebecca afterwards married a man by the name of Laughlin Lydia married a man by the name of Spencer, while Sarah E. married a man by the name of Preston G. Browning. I will ask you to examine the records of these dates above referred to and see whether or not they show that

any members of this family were admitted to citizenship or reinstated to citizenship in the Cherokee Nation? A I have examined these records from '75 to '80 and I find no record of any of those parties mentioned being admitted or readmitted. I find no records of admission of any of those parties in 1896, or '80, from '75 to '80 and 1896.

Q Well, you found no record of any of those parties being admitted at any time, but you examined those years particularly and you did not find them? A I examined those years and I find those parties not admitted. I examined the acts from 1875 to 1880 inclusive and the acts of 1896.

By the Commission: The Cherokee printed list of persons admitted or readmitted to Cherokee citizenship by the National Council and Cherokee Commissions on citizenship in the year 1880 and since that year, which list is now in possession of this Commission, has been examined for the names of the applicants in these cases, and such examination fails to disclose any of the names of the applicants.

By W. W. Hastings: The representative of the Cherokee Nation here desires to answer the objection made by Counsel for the applicants and states that it is untrue that the records bear upon the face that they are carelessly kept, and said original records are hereby tendered to the Commission for its inspection, and we contend that the records show that they have been well preserved and that they have been carefully kept, that all of the laws were transcribed into them carefully, using good penmanship, and that they are properly indexed. And in answer to the second objection of counsel for the applicant it is not contended by the Cherokee Nation that these are the original acts of the National Council, but is explained by the witness on the stand that these records containing the acts of the National Council transcribed by the sworn officials of the Cherokee Nation into these books for safe preservation and only purport to be copies of the original acts. And in answer to the third objection it is contended that these books do purport to contain all of the acts of the Cherokee National Council and it is not shown by the applicants that any act of the National Council was ever passed during these dates that is not found in these books. In answer to the fourth objection it is contended that no resolution was necessary to be passed by the Cherokee National Council authenticating these acts and were transcribed under the supervision of the Principal Chief of the Cherokee Nation by sworn officers of the Cherokee Nation in whose custody they still are. In answer to the fifth objection that they are inadmissible unless the handwriting is proven, we say then that it would be necessary for all officials to live forever if that were true, because when he dies the record will die with him, and one of the main objects for keeping records is to preserve them after the death of the parties who made them.

.....



22-Levi G. Flint et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

... *S. G. Rothberg* ...

Subscribed and sworn to before me this 1st day of June, 1903.

*Samuel Foreman*  
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes.

-----oCo-----

In re application of	)	
Levi C. Flint, Stella A. Flint	:	
and Gertrude F. Flint for en-	)	Cherokee R-379.
rollment as citizens of the	:	
Cherokee Nation.	)	

-----oCo-----

BRIEF ON BEHALF OF APPLICANTS.

Statement of Facts.

Levi C. and Stella A. Flint were members of the Shawnee Tribe of Indians and came to the Cherokee Nation before June 7, 1871, under the terms of the Cherokee-Shawnee agreement of June 7, 1869, by which they became entitled to all the rights and privileges of Cherokee citizens. They brought with them their children, George L. Flint, Sarah E. Flint (Browning), Rebecca L. Flint (Laughlin), and Lydia K. Flint (Spencer), all of whose names appear on the Shawnee-Cherokee Register Roll of 1871. Gertrude F. Flint is a daughter, born since 1871, in the Territory.

The Flints settled on a farm in the Cherokee Nation and remained for a little over three years, or until the fall of 1874. Mr. Flint paid \$600.00 for a house, fenced ten or twelve acres of land, plowed it and continued to farm for three years or more. He had a cow and calf, some plows and a harrow, a team of horses and a team of mules. Thus equipped on his farm, which, as witness Weaver says, was a pretty good farm for those days, there is every reason to suppose the family considered itself firmly established.

But hard times were ahead. The horses and mules died. Flint had nothing with which to buy more. Without such stock, farming was out of the question. The condition now amounted to a

calamity. Three years had reduced them almost to poverty.

Farming being out of the question, he fell back upon his trade as a blacksmith. The Commission and Department knows that many other horses and mules died at this time. There was no blacksmithing to be done near Flint's home, precious little anywhere in the Cherokee Nation. Flint heard of work and secured it through H. M. Jones, United States Indian Agent, at the Quapaw Agency. He went there and worked for the Government until about 1882.

He did not remove all of his effects from the Nation. He did not sell his house. He left it with one Thompson to whom he owed a small store bill. Thompson seems to have made away with the \$600.00 house for his store bill, but the house was not sold by Flint, who thought he owned it until he learned it was gone. He left the fences which, in course of time, were perhaps destroyed, but Flint did not remove them. He left his harrow and plow and he left a cow and calf with witness Weaver.

Q. He left the cow and the yearling with you, did he?  
A. Yes, sir.

Q. What did you do with them? A. I left them until they were increased to thirteen head and I bought them from him.

Q. How long did that take? A. It must have taken something like eight or ten years. It was so long I could not tell exactly how long it was."

Briefly, then, Flint left everything he had in the Cherokee Nation just as a man would who intended to return. Weaver was the only one with whom he left property who was honest and continued to hold it for Flint.

When he lost his position in the Quapaw Agency in 1882, his youngest child was nearly ready for school. The older ones were in school. Flint looked about him for the two things he absolutely must have: a living for himself and his family and a school for his children. He found them at Seneca where his anvil has been ringing ever since. His strong arm and stouter heart have never failed him.

By unremitting toil he kept his family together and gave each child an education. How well he succeeded the record shows. They all attended public schools and Mrs. Laughlin, Mrs. Spencer and Gertrude became teachers. They were educated at Haskell, Georgia and Carlisle. By reason of Flint's toil his daughters have married educated, respectable, law abiding citizens.

But Flint could not do all of this and save money enough to establish himself on a farm. His intent and hope through the whole time was to return to his people, the Shawnees, in the Nation, and the first money he could spare came from the strip payment. With that money he bought a farm in the Nation as a home for his old age. He still holds it.

Mr. Flint also testified that he applied for reinstatement in 1879 or 1880 and was told by Mr. Woodall, the Chairman of the Committee, that he had been reinstated. He again appeared before the Cherokee council and says he was reinstated. As the result of this he and his family and all his children and their families were enrolled and they received their share of the strip payment, with which they purchased the farm they now own.

Opposed to this is the testimony of one, A. B. Cunningham, who produced a book or two containing certain alleged copies of certain laws of the Cherokee Nation, in which books Cunningham says he cannot find any note of the transaction.

We wish to recall to the Commission the facts surrounding this part of the testimony. When we had closed our testimony the following occurred:

"Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A. I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days."

This was allowed, and the Nation was given a like privilege. Mr. Hastings offered in evidence two sections from the compiled laws. Request was made that testimony be copied in

other cases.

Mr. White, in the presence of the Commission, asked Mr. Hastings to accompany him to the record office of the Cherokee Nation in an effort to agree upon what records of the Cherokee Nation might be offered in evidence. They went and Mr. Hastings introduced Mr. White to an individual, whom Mr. <sup>White</sup>  supposed to be the Secretary and who showed Mr. White some books as the only records of the laws of the Cherokee Nation. Mr. White returned to the Commission at once and in the presence of Mr. Hastings made the objection to the records shown him.

In order that Mr. White might leave Tanlequah at once he agreed that Mr. Hastings might introduce Mr. Farks in his absence for the purpose of offering in evidence those books shown Mr. White. With this solitary exception the testimony was closed by both applicants and the Nation. Then instead of Farks some one else testifies and when it is disclosed in his testimony that there are in the custody of the Cherokee Nation original records notwithstanding the books were exhibited to Mr. White as the only records, the condition, if unexplained, presents sharp practice on the part of the Cherokee Nation if it is not deserving of a harsher term.

#### Argument.

We take it that the only objection to these applicants is now the one heretofore raised, namely, paragraph nine of section twenty-one, Act of June 28, 1898:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

"The purpose of this provision," said the Assistant Attorney-General on March 16, 1903, in the Yeargains cases and the Secretary of the Interior on the same day, "is clearly seen when read in the light of the history of the Cherokee Nation. x x x

It was therefore against those who had never identified themselves with the Nation and those who had withdrawn themselves from the Indian people that this provision of the statute was aimed. It was for the protection of the Cherokee people and in harmony with the provisions of the Cherokee Constitution. That instrument defines how Cherokee nationality shall be lost or forfeited, viz:

That whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease....."

Certainly the Flints "identified themselves with the Nation." They came under the treaty and lived in the Nation for more than three years and until driven out by poverty. "The statute" was not "aimed" at the Flints then on that account. There is left only "those who had withdrawn themselves from the Indian people" and the Yeargains decision explains who they are in showing how "Cherokee nationality shall be lost or forfeited," thus:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation -- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there. To these tests and for their construction there is also another, implied but not mentioned -- viz: the intent with which such acts be done, for if all property and the person were for some temporary purpose removed from the Nation, and if acts were done which might bear the construction of assuming obligations of citizenship in another community -- as voting there for instance -- yet if the removal of person and property were for some temporary and with intent to return, and the acts implying an assumption of duties of citizenship elsewhere had no such purpose, then the change of citizenship would not follow."

Under this decision, then, four things must concur, else

the Flints must be enrolled, viz:

1. Removal from the Nation.
2. Removal of effects.
3. Become a citizen of another government.

4. Do all of the above with the intent to abandon their Cherokee citizenship.

"Applying such tests to the facts in the present case, it is clear that the Flints have not lost their Cherokee nationality." They have done the first of the four, but neither the second, third, nor fourth. We take them in order:

2. Effects. Flint left in the Cherokee nation a house which had cost him \$600.00; he left his agricultural implements and if they were few they were all he had; he left his fences; and he left a cow and a yearling. Cherokee counsel tried to be facetious about the cow and calf, but the record criticizes the effort in showing thirteen head of cattle and ten years or maybe more during which Flint kept them in the Nation after his removal. Certainly Flint did not remove his effects and must be enrolled.

3. Another Government. Did the Flints become citizens of another government? The only one he is charged with joining is Missouri. He must have first become a citizen of the United States, or at least have declared his intention so to do, either of which, until 1887, was an impossibility.

Elk vs. Wilkins, 112 U. S., 94.

This case having decided that an Indian of a tribe still having a tribal organization may not become a citizen of the United States except by act of Congress, we invited attention to the acts on the subject.

The Act of February 8, 1887, (24 Stat., 390) granted citizenship to Indians who take up their residence separate and apart from any tribe of Indians "without in any manner impairing or otherwise affecting the right of any Indian to tribal or other



property." This was amended March 3, 1901, (31 Stat., 1447) so as to include "all Indians in Indian Territory", but tribal rights are not affected by this amendment.

The Act of August 9, 1888, (25 Stat., 792) granting citizenship to Indian women who marry United States citizens expressly declares, also, that nothing in that act "shall in any way affect the right or title of such married women to any tribal property or any interest therein".

How then could Flint become a citizen of the United States so as to forfeit his rights to tribal property. Clearly, not under the acts of Congress; and the Supreme Court has said he can in no other way. Is there conflict between the acts of Congress and the Cherokee Constitution? Then the acts of Congress prevail. Under the Cherokee Constitution a citizen must become a citizen of another government to lose his tribal rights. The acts of Congress say that a Cherokee becoming a citizen of the United States will not lose his tribal rights of property. The act of Congress prevailing, the Cherokee provision must be limited to "other Indian Governments".

U. S. vs. Rogers, 4 How. 567, 573.

Since, then, the Flints have not become citizens of another government within the meaning of the law, they must be enrolled.

4. Intent. We have but two ways of ascertaining a man's intent, by his words and his acts. His words show his intent to return as do his wife's declaration. As to his acts, the record everywhere speaks Flint's purpose to return to the Nation, first when he left the Nation he did not take his property with him and last, so soon as he could he bought a farm in the Nation. The only thing against this is the lapse of time; but that was spent in the government service until 1882 and in educating his children after that.

The record shows that he went twice before the Cherokee authorities and applied for reinstatement. Are they the acts of

a man who has abandoned the Nation? His intention all the time was to return. The second time he at least thought he was reinstated and if we had been allowed to inspect the records to which we have been denied access, the original records, we might have been able to show that he was right. Relying on it he and all his relatives were enrolled, received strip money and bought farms in the Nation with that very money. Can it be denied that his intent was to retain his Cherokee citizenship?

Under the law, therefore, the Flints should be enrolled because they are properly on the roll of 1871 and have done no act since which deprives them of that right. Gertrude F. Flint is a "descendant born since such roll (of 1871) was made" and must be enrolled as of course.

We wish to say in conclusion that whether or not Levi C. Flint was actually reinstated is immaterial. His efforts to keep his relationship with the Nation are important as showing his intent and that intent is as vitally important by the Yeargains decision.

The testimony offered by the Nation is inadmissible in any event in this case even if there were no question of intent.

We know that an "examined copy" certified to by the proper officer is sometimes admissible, but the certificate must show that the officer compared it with the original, else it is not an "examined copy". There is no such certificate in the books offered. The books are not journals, it must be remembered

These books were offered to show that no such transaction took place. Even Cunningham cannot say the books contain all the acts, that all the acts were copied into the books because some were.

It may be that one of these books would be admissible to prove an act which was actually copied into it, but not to prove there is no act not contained in it, for there is nothing to show that all of the acts were so copied.

The probabilities from the record made by the Cherokee Nation are that Flint was reinstated. There is no doubt that he applied. He was enrolled by act of the Cherokee National Council through its committee. The Nation paid him and each of his relatives over \$250.00. He continued to hold his farm in the Nation bought with this money. If he is mistaken and the Nation right, how can these things be?

We respectfully submit, therefore, that these applicants must be enrolled, because:

1. Flint and wife are properly on the roll of 1871.
2. They did not remove their effects from the Cherokee Nation.
3. They did not, as matter of fact, become citizens of another government and could not as matter of law so as to lose their property rights in the Cherokee Nation.
4. Their intent was to retain their Cherokee citizenship as evidenced by
  - (a) Leaving the Nation at all only because compelled to do so to earn a living.
  - (b) Leaving all their effects in the Cherokee Nation.
  - (c) Two applications to retain their relations with the Nation.
  - (d) The testimony of Flint and the declaration of his wife.
  - (e) By their using the first money they could so use to buy a farm in the Cherokee Nation.
  - (f) And the fact that nothing but mere lapse of time even indicates a contrary intention and the lapse of time is explained.
5. Gertrude F. Flint is a descendant born since the roll of 1871. As to what is meant by descendants see cases collected in 9 Am. & Eng. Ency. Law, pp.399 and 400.(2d Ed.)

Harry Skimball  
The Henry White  
Attorneys for Applicants

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Levi C. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood.

--:--

## D E C I S I O N .

The record in this case shows that on September 17, 1900, Levi C. Flint appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings were had in the matter of said application at Muskegee, Indian Territory, February 24, 1902. The record further shows that on May 27, 1902, the Commission rendered its decision denying said application, which decision was approved by the Department September 13, 1902; that a motion for review having been filed, the Department, on April 3, 1903, rescinded its former action in the matter of said application and remanded the case for further proceedings and readjudication; and that on May 25, 1903, further proceedings were had therein at Tahlequah, Indian Territory.

The evidence shows that the names of the applicants herein appear on the register of Shawnee Indians who removed to and located in the Cherokee Nation within two years from June 9, 1869, in accordance with an agreement made by and between the Shawnees and Cherokees, approved on said date. Neither the name of the applicant, Levi C. Flint, nor that of his wife, Stella A. Flint, appears on the Cherokee Authenticated Tribal Roll of 1880, but they are both identified on the Wallace Roll of Shawnee-Cherokees, the Dickson Roll of Shawnee-Cherokees, the Cherokee-Shawnee Pay Roll of 1896, and the Cherokee Census Roll of 1896.

The evidence further shows that the applicants removed to and settled in the Cherokee Nation in 1871 and remained therein until 1874, when they removed to the Quapaw Agency in Indian Territory, residing therein until 1880, since which time they have resided in the State of Missouri. That at the time of their removal from the Cherokee Nation in 1874, the applicant, Levi C. Flint, owned some personal property in the Cherokee Nation, a part of which he took with him and a part of which was abandoned, and the place on which he had resided became public domain of the Cherokee Nation.

The testimony of the applicant, Levi C. Flint, shows that he has been a citizen of the State of Missouri continuously since 1880; that he has voted and otherwise exercised the privileges of a citizen of that State; and that for eighteen years

--2--

prior to 1896 he had no property of any description whatsoever in the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495) refers to the Cherokee Roll of 1880, and provides that this Commission

"shall investigate the rights of all other persons whose names are found on any other roll and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto."

Section two, Article one, of the Cherokee Constitution provides that:

"Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of any other government all his rights and privileges as a citizen of this nation, shall cease ....."

It is, therefore, the opinion of this Commission that the applicants have forfeited and abandoned their citizenship in the Cherokee Nation and that their names appear upon the Wallace Roll of Shawnee-Cherokees, the Dickson Roll of Shawnee-Cherokees, the Cherokee Pay Roll of 1896, and the Cherokee Census Roll of 1896, without authority of law; and that the application for the enrollment of said Levi C. Flint and Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 21 1904

6. D315.

CC

MS.

FEB 6 1932

RECEIVED

COMMISSIONERS.  
HENRY L. DAVIS,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th, 1902

Mr. Levi C. Flint,  
Seneca, Missouri,

Sir:-

You are hereby notified that the application of yourself and wife

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-315  
Register.

Yours truly,

Acting Chairman.



D

D 313

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 21 1902



COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Murphy 21 2/21/02

Received of the Commission to the Five Civilized Tribes .  
one copy of the testimony in the matter of the application of  
See to Flint et al for enrollment as  
~~Freemen~~ of the Cherokee Nation.

citizens

No. 60315

SSClover

~~Washoe, Indian Territory, March 21, 1902.~~

S. E. Clover, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 17, enclosing certified copy of extracts from the Wallace roll and Dickson roll, which copies you desire filed with the applications for enrollment as citizens of the Cherokee Nation of Rebecca L. Laughlin et al, Cherokee D-312; Preston C. Browning et al, Cherokee D-314; Levi C. Flint, Cherokee D-315; George L. Flint, Cherokee D-316; Gertrude F. Flint, Cherokee D-310, Lydia K. Spence, Cherokee D-311.

This paper is herewith returned to you and you are requested to have each extract from the roll certified to separately; the one certificate which you send can not be filed in six different cases.

Yours truly,

Commissioner in Charge.

Enc. 2-3

Cher. D-315.

COPY

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Levi C. Flint as a citizen of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

SIGNED).

*Tams Dixby.*

Acting Chairman.

Encl. 3-3.

Cher. D-315.

COPY.

Muskogee, Indian Territory, May 27, 1902.

Levi C. Flint,  
Seneca, Missouri.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Levi C. Flint as a citizen of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(SIGNED).

*Tamm Bixby.*

Acting Chairman.

Encl. 3-27.

Cher. D-316.

COPY.

Muskogee, Indian Territory, May 27, 1902.

S. S. Clover,  
Attorney at Law,  
Vinita, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Levi C. Flint as a citizen of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(SIGNED) *Tams Dixby*

Acting Chairman.

Encl. C-51.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Levi C. Flint for the enrollment of himself and wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Encl. D-315.



Refer in reply to  
the following:  
Land  
31848 - 1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, June 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated May 27, 1902, forwarding for the Department's consideration the record relative to the application of Levi C. Flint for the enrollment of himself and his wife Stella A. Flint as citizens of the Cherokee Nation. These parties claim to be of Shawnee Indian blood. The record in this case shows that the parties to the application do not now and did not reside in the Cherokee Nation, Indian Territory, on June 28, 1898. They are residents of Seneca, Missouri. The record shows that the applicants' names appear on the Cherokee 1896 roll, Delaware district. It also shows that in 1871 or '72 Levi C. Flint owned "a sort of a farm" in the Cherokee Nation, and that when he removed from the Cherokee Nation he removed all of his effects. The names of these applicants are found on the Wallace roll of Shawnee Cherokees which said roll was approved by the Department September 26, 1891; and also on the Dickson roll of Shawnee Cherokees which said roll was made by Special Agent James G. Dickson and is dated July 22, 1896.

May 27, 1902, the Commission held that the applicants were not entitled to enrollment. The attorney for the applicants and the attorney for the Cherokee Nation each filed briefs and arguments in the case.

Section 21 of the Act of June 28, 1898 declares that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." These parties not being residents of the Territory and not having resided therein on June 28, 1898, are not entitled to enrollment, and the office recommends the approval of the Commission's decision.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (S)

D. C. No. 15417-1902.

55221

J. P.

L. R. S.

476

EAF.

ITD. 3789-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 27, 1902, you submitted the case of Levi C. Flint, applicant for enrollment of himself and wife, Stella A. Flint, as citizens of the Cherokee Nation, of Shawnee blood - D 315. May 27, 1902, you rejected the application. Since the record was received arguments have been filed by the local attorneys for the claimants.

It appears that the names of Flint and his wife are on the register of Shawnee Indians who removed to the Cherokee Nation prior to June 10, 1871; that they lived in the nation a short while and then removed with their effects and family to the Quapaw Agency, where they remained until the year 1880, when they became residents of Seneca, Mo., where they have resided ever since; that neither the name of Flint nor that of his wife appears upon the Cherokee authenticated tribal roll of 1880, <sup>but</sup> ~~and~~ they are both identified on the Wallace roll of Shawnee Cherokees and the Dickson roll of Shawnee Cherokees; that they are also identified on the Cherokee-Shawnee pay roll of 1896 and the Cherokee census roll of 1896. Referring to the provisions of the act of June 28, 1898 (30 Stat., 495), that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

you held that the claimants are not entitled to be enrolled by you as members of the Cherokee Nation.

Reporting in the matter June 16, 1902, the Acting Commissioner of Indian Affairs states that as these parties were not residents of the Territory on June 28, 1898, they are not entitled to enrollment, and he recommends that your decision be approved.

While it is true that the applicants were at one time recognized as citizens of the Cherokee Nation, they removed from the limits of the nation and not having returned prior to June 28, 1898, they forfeited their citizenship. Your decision is affirmed. Attention is called to departmental decision of even date in the case of Rebecca L. Laughlin et al. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thoa Ryan

Acting Secretary.

1 inclosure.

EMD.

0027

Cherokee D 315.

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Levi C. Flint for the enrollment of himself as a citizen by Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

COPY.

Cherokee D 315.

Muskogee, Indian Territory, October 6, 1902.

S. S. Clover,

Attorney for Levi C. Flint, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting the application of Levi C. Flint for the enrollment of himself as a citizen by Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

COPY.

Cherokee D 315.

Muskogee, Indian Territory, October 6, 1902.

Levi C. Flint,  
Seneca, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date May 27, 1902, rejecting your application for the enrollment of yourself as a citizen by Shawnee blood, and for the enrollment of your wife, Stella A. Flint, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.



D.C. 8396-1903

J.P.

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D. 2661-1903  
3789-1902

March 23, 1903.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Levi C. Flint et al., requested that the case involving his application et al., for enrollment as citizens of the Cherokee Nation be reopened, in which case a decision adverse to the claimants was rendered by the Department September 13, 1902, as the points of law involved in said case are similar to those involved in the case of Joseph D. Yeargain et al., and that you be directed to withhold from allotment the lands embracing the improvements of the applicants.

The application to reopen the case is hereby granted, in order that a reexamination of the matter may be had in the light of the opinion of March 16, 1903 in the Yeargain case, and it is directed that you take proper steps to protect all rights the applicants may have until further advice in the matter.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

COMMISSIONERS  
JAMES HINCH  
THOMAS B. EDLES.  
C. R. BRECHINRIDGE  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-679

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Levi C. Flint, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation, and the principal applicant and his attorney have this day been notified that any further testimony which they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Respectfully,



Chairman.

GRS

Muskogee, Indian Territory, April 17, 1903.

S. S. Clover,

Attorney for Levi C. Flint, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the motion made to reopen, for the purpose of taking further testimony, the application of Levi C. Flint, et al., for enrollment as citizens of the Cherokee Nation, was granted by the Secretary of the Interior on April 3, 1903.

Any further testimony which you may have to introduce tending to establish the rights of these applicants to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 15, 1903.

Attention is particularly required as to the residence of the applicants in the Cherokee Nation.

Respectfully,

Chairman.

Cherokee B-679

Muskogee, Indian Territory, April 17, 1903.

Levi C. Flint,  
Seneca, Missouri.

Dear Sir:

You are hereby notified that your motion made to reopen, for the purpose of taking further testimony, your application for the enrollment of yourself and family as citizens of the Cherokee Nation, was granted by the Secretary of the Interior on April 3, 1903.

You are advised that any further testimony you may have to introduce tending to establish the rights of yourself and family to enrollment as citizens of the Cherokee Nation can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Evidence is particularly required as to the residence of yourself and family in the Cherokee Nation.

Respectfully,

Chairman.

Cherokee B-579

Tahlequah, Indian Territory, May 14, 1903.

Levi C. Flint,

Seneca, Missouri.

Dear Sir:

You are hereby notified that the date set for the hearing of testimony in the matter of your application for the enrollment of yourself and family as citizens of the Cherokee Nation, has been changed from May 18, 1903, to May 23, 1903. On the latter date any testimony, which you may have to introduce, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

KFM

COMMISSIONERS  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH  
SECRETARY

*AS*

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-679

Tahlequah, Indian Territory, May 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that the date set for the hearing of testimony in the matter of the application of Levi C. Flint for the enrollment of himself and family as citizens of the Cherokee Nation, has been changed from May 16, to May 23, 1903, and the applicant has been notified that any testimony he may have to introduce can be presented before the Cherokee Land Office on the latter date.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge  
Cherokee Land Office.

MPK

Tahlequah, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith the original card, jacket and record in the matter of the application of Levi C. Flint, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R. 679.

This case was reopened and remanded by the Secretary of the Interior on March 23, 1903, for further proceedings and re-adjudication. Further testimony was taken on May 25, 1903, a copy of which is a part of the record.

The record in this case is now considered complete and the same is transmitted to the office at Muskogee that a decision may be prepared.

Respectfully,

MH  
Encl-H- 266

Commissioner in Charge  
Cherokee Land Office.



COPY.

Cherokee H-879.

Muskogee, Indian Territory, July 21, 1904.

Kimball & White,

Attorneys for Levi C. Flint,

416 Fifth Street, Columbian Building,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 21, 1904, rejecting the application of Levi C. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

J. D. J. J. J.

Encl. S-71.

Commissioner in Charge.

Register.

MOG

COMMISSIONERS

IAM. BIXBY.

THOMAS J. NEEDLES

C. R. BRECKINRIDGE

WM. O. BEALL

Secretary

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-679.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 21, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 21, 1904, rejecting the application of Levi C. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Encl. S-72.

Commissioner in Charge.

Copy

Cherokee A-111

(E-170).

Muskogee, Indian Territory, July 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of June 21, 1904 (ITD 3789-1902), there is herewith transmitted the record of proceedings had in the matter of the application of Levi C. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood, including the Commission's decision dated July 21, 1904, rejecting said application.

Respectfully,

*J. B. Hedden*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Encl. 5-74.

COPY

Cherokee B-679.

Muskogee, Indian Territory, July 21, 1904.

Levi C. Flint,

Seneca, Missouri.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 21, 1904, rejecting your application for the enrollment of yourself and your wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Encl. S-70.

Register.

*W. H. H. H.*  
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

Refer in reply  
to the following:

Land.  
80384-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 21, 1904, transmitting the record of the application of Levi C. Flint, for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood.

July 21, 1904, the Commission decided adversely to the applicants.

The record shows that on:

May 27, 1902, the Commission decided adversely to these applicants.

September 13, 1902, the Department affirmed the decision.

April 3, 1903, the Department rescinded its action and remanded the case for further testimony. It is further shown that

the names of the applicants appear on the register of Shawnee Indians who removed to, and located in the Cherokee Nation,

within two years from June 9, 1869. Neither of the applicants

is identified on the 1880 authenticated Cherokee roll, but

are both identified on the Wallace roll, Jackson, the pay roll

of 1896 of Shawnee-Cherokees, and the Cherokee census roll of

1896.

The evidence shows that the applicants removed to, and settled in the Cherokee Nation and remained until 1874, when they removed to the Quapaw Agency, in Indian Territory, and resided there until 1880, since which time they have resided in the State of Missouri. That the applicants owned no property or effects in the Cherokee Nation at the date of the record, and the testimony of the principal applicant, shows that continuously since 1880, he has been a citizen and voter in the State of Missouri.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.N.M.  
W.

I.T.B.  
9126-1904.

( COPY )

S.W.  
V.C.P.  
S.V.P.

~~DEPARTMENT OF THE INTERIOR~~

Office of the Assistant Attorney-General,

Washington, March 23, 1906.

The Secretary of the Interior.

Sir:

I received by reference of October 12, 1905, with request for my opinion thereon, the record in the application of Levi C. Flint and Stella A., his wife, to be admitted as citizens of the Cherokee Nation of Shawnee blood.

The record shows that applicants are registered Shawnee Indians who removed, with their family and effects, and settled in the Cherokee Nation within two years after June 9, 1809, in accordance with the agreement made between the Shawnees and Cherokees, on that day approved by the President, under Article XVI of the treaty of July 19, 1808 (14 Stat., 709). Flint bought or constructed a framed house of two rooms, valued at four to six hundred dollars, fenced and brought into cultivation about twelve acres of land which he farmed till the fall of 1876, having two horses, two mules, and a cow and calf. His draft animals died, his efforts at farming were unsuccessful, and he was unable thereby to support his family. He was a blacksmith, and in the fall of 1876 was employed by the United States at the Quapaw Agency and resided there with his family, leaving his



house in charge of a creditor, and his cow, calf, and farming implements with one Weaver in the nation. The creditor sold his house, and the land reverted to the public domain. The cattle increased in eight or ten years to thirteen head, when Weaver bought them. In 1879 he removed with his family to Sumner, Missouri, and opened a blacksmith shop, and in 1883 his wife bought a house, and they were living there in May 20, 1903, when his testimony was taken. He left the nation with intent to return, and in 1879 or 1880 applied to the Cherokee Council for reinstatement to Cherokee citizenship, and again in 1894. He testifies that he was informed by the members of the Senate having charge of the matter that both of these applications were granted, but no record of any such act of council is shown. He voted generally at elections at Sumner, Missouri, after 1883 and did not vote thereafter in the Cherokee Nation. After sale of his cattle in 1882 or 1884 he had no property in the Cherokee Nation until 1894. He is not on the authenticated roll of 1894, but is on the Wallace Sumner-Cherokee roll, the Richard Sumner-Cherokee roll, and the Cherokee pay roll, and Cherokee census roll — all of the year 1894. The applicants drew the 1894 payment and 1894 strip payment, and in 1894, believing the council had reinstated them to citizenship, they purchased farm improvements in the nation and have 150 to 200 acres enclosed, improved land, which yielded \$150 annual rent until the question of his citizenship arose. Under these facts, the commission,

July 21, 1904, held that:

Section two, Article one, of the Cherokee Constitution provides that:

"Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government all his rights and privileges as a citizen of this nation, shall cease....."

It is, therefore, the opinion of this Commission that the applicants have forfeited and abandoned their citizenship in the Cherokee Nation and that their names appear upon the Wallace Roll of Shawnee-Cherokees, the Dickson Roll of Shawnee-Cherokees, the Cherokee Pay Roll of 1896, and the Cherokee Census Roll of 1896, without authority of law; and that the application for the enrollment of said Levi C. Flint and Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood, should be denied, and it is so ordered.

Had the principal applicant returned to the nation within a reasonable time after close of his employment by the government, there would be no doubt of his right to enrollment. The Cherokee Nation is, however, a self-governing, dependant community, with power to regulate its own internal affairs, subject to the power of Congress. *United States v. Kagama* (118 U. S. 375, 381-4); *Talton v. Mayes* (163 U. S., 376, 383-5). Legislation of this character is not contrary to the constitution or of any law of the United States or treaty with the tribe. *Hoff v. Burnay* (168 U. S., 218, 222). The provision of the Cherokee Constitution cited by the commission is within the powers of the nation as a self-governing community, recognized by the Congress and Courts of the United States. It was held by the United States Court

for the Northern District of Indian Territory, in the citizenship cases, heard upon appeal under the act of June 10, 1894 (28 Stat., 239), that:

these Indians who have separated themselves from the present Cherokee Nation, or from the Old Cherokee Nation east of the Mississippi River, and have taken up their residence in the States, and have moved their effects out of the limits of the nation, and the Eastern Band of Cherokee Indians, who remained in the States after the treaty of 1835, have forfeited all their rights and privileges as citizens of the nation, and that such persons can not regain their citizenship unless they comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as therein provided.

The court then stated the following, among other propositions for adjudication of citizenship cases:

That blood alone is not the test of citizenship in the Cherokee Nation. That those Cherokees, and their descendants, who have separated themselves from the nation, and have removed their effects from it and taken up their residence in any of the States of the Union, have ceased to be citizens of the Cherokee Nation. And further, that bona fide residence in the nation is essential to citizenship.

A Shawnee Cherokee has only the rights of a native-born Cherokee citizen and is bound by the same law. Failing to return to the Cherokee Nation and having no effects there, his citizenship was lost and could not be regained by his own act alone; without assent of the nation and compliance with its law.

I am therefore of opinion that the commission properly denied his enrollment.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: March 25, 1905.

E. A. Hitchcock,

Secretary.

J. W. H.

DEPARTMENT OF THE INTERIOR,

LLB.

D. C. 17558-1903.  
I. T. D. 9124-1904.  
3058-1906.

WASHINGTON. April 1, 1906.

L. R. S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 21, 1904, you transmitted the record in the matter of the application of Levi C. Flint for the enrollment of himself and his wife, Stella A. Flint, as citizens of the Cherokee Nation of Shawnee blood.

Reporting in the matter September 30, 1904, the Indian Office recommended that your action concerning said applicants be approved.

In an opinion rendered March 25, 1905, approved by the Department the same day, copy of which is inclosed, the Assistant Attorney-General held that your Commission properly denied the application of Levi C. Flint. In accordance with this opinion, your decision adverse to said applicants is hereby affirmed.

Copy of said Indian Office letter is also inclosed.

Respectfully,

(Signed) Thos. Ryan

2 inclosures.

Acting Secretary.

COPY.

Cherokee A-679.

Muskogee, Indian Territory, April 17, 1905.

Kimball & White,

Attorneys for Levi C. Flint, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting the application for the enrollment of Levi C. Flint, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1905.

Respectfully,

(SIGNED).

*Tams Dixby.*  
Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS E. NEEDLES,  
C. E. BRACKINRIDGE

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1660  
NOTE IN REPLY TO THE FOLLOWING:  
Cherokee R-679.

ADDRESS ONLY ONE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1908.

W. W. Hastings,


Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting the application for the enrollment of Levi C. Flint, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1908.

Respectfully,



Chairman.



COPY.

Cherokee R-679.

Muskogee, Indian Territory, April 17, 1905.

Levi C. Flint,

Seneca, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting the application for the enrollment of yourself and your wife, Stella A. Flint, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

COPY.

Cherokee B-679.

Muskogee, Indian Territory, April 19, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are advised that the Commission's decision dated July 21, 1904, rejecting the application for the enrollment of Levi C. and Stella A. Flint as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on April 1, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

INDIAN LAND AND MONEY

LYG-4-5-40

Stella E. Laughlin,  
not enrolled.

ENCCL

April 5, 1940.

Mrs. Stelle Elizabeth McSparren,  
Benita, Arizona.

Dear Madam:

We have your recent letter in which you ask for an affidavit as to your degree of Indian blood, or photostatic copy of census card, in order to complete your application for reinstatement into the Indian Service as teacher.

We are enclosing a certificate showing that the name of Stella E. Laughlin appears on Cherokee Census Card R 677, 16 years of age and AS 3/8 Indian blood (AS - Adopted Shawnee.) Your age is given as 16 years as of September 17, 1900, when application was made for enrollment as a citizen of the Cherokee Nation, but such application was denied or rejected, and therefore the name of your mother, Rebecca L. Laughlin (nee Flint) and the names of her children were not placed on the approved roll of Cherokee citizens. If this certificate is not sufficient for the purpose desired, upon your request, we will forward to you a photostatic copy of Cherokee Census Card R 677.

J. T. Wilkinson

F. 02 1156

RECEIVED  
JUL 7 1903

Received July 11, 1903

Received from the Commission to the Free Civilized Tribes one copy of the testimony in the  
matter of the application of Levi C. F. Hunt, et al

for enrollment as citizens

Cherokee A No. Q679

of the Cherokee Nation.

~~Kimball & White~~  
attys for applicants

Cher R 680

Cher R 680

9/18

a.

10/18

10/18

10/18



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., September 17, 1900.

In the matter of the application of George L. Flint for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A George L. Flint.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Seneca, Missouri.  
Q Where do you reside? A I reside in Seneca.  
Q For whom do you apply? A For myself.  
I 96 roll page 602 #150 George L. Flint, Delaware.

Examined by Cherokee Attorney W.T. Hutchings:

Q How long did you live in the Cherokee Nation after you removed with the Cherokees from Kansas, A About four years.  
Q Where did you remove to then? A Removed to the Quapaw Agency.  
Q How long did you remain at the Quapaw Agency? A About three years.  
Q Where did you remove to then? A I moved to the State of Kansas.  
Q How long did you remain in the State of Kansas? A I don't know exactly how long, - it wasn't long.  
Q Where did you remove to then? A State of Wyoming, and was there about seven or eight years as well as I can remember.  
Q Where did you move to then? A State of Nebraska.  
Q How long did you stay in the State of Nebraska? A About one year.  
Q Where did you remove to then? A State of Missouri.  
Q When did you reach the State of Missouri? A In the Spring of 1894.  
Q And you have resided in the State of Missouri ever since?  
A Yes sir.  
Q You didn't leave any property or effects in the Cherokee Nation at that time? A No sir.  
Q Have you ever voted in the Cherokee Nation since that? A Not since I left.  
Q The only act of citizenship that you performed was to draw the Cherokee payments? A Yes sir.

Com'r Needles: The name of George L. Flint is found upon the list of Cherokees who removed and located in the Cherokee Nation in accordance with the 13th article of the Cherokee Treaty with the United States, in the year 1866, #325; and the name of George L. Flint also found upon the census roll of 1896; he being duly identified thereby; final judgment as to the application for enrollment of said George L. Flint will be suspended, and his name will be placed upon a doubtful card, because of the fact of residence

W.D. Greer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19 day of September 1900.

*[Handwritten signature]*  
J. L. 15

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILE**

SEP 17 1900

 ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Name George L. Elbert Date Demeco 1900.  
 District DELAWARE Year 1896 Page 602 No. 150  
 Citizen by blood yes Mother's citizenship Shawnee

Intermarried citizen  
 Married under what law Date of marriage  
 License Certificate

Wife's name  
 District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen  
 Married under what law Date of marriage  
 License Certificate

Names of Children

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

15316

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 24, 1902.

In the matter of the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by S. S. Clover, Vinita, I. T.  
Cherokee Nation represented by W. W. Hastings.

P. G. BROWNING, being duly sworn, testified as follows:

COMMISSION: What is your name? A P. G. Browning.

Q Where do you live, Mr. Browning? A Seneca, Missouri.

MR. CLOVER: What relationship exists between you and George L. Flint? A Brother-in-laws.

Q How long have you known him? A I have known him twenty years.

Q Who is the father of his father and mother? A Levi Flint and Stella A. Flint.

Q Do you know whether he was enrolled on what is commonly known as the Wallace roll? A Yes, sir.

Q Do you know whether he was paid under that roll? A Yes, sir, he was.

Q Do you know whether he was enrolled on what is commonly known as the Dixon roll? A Yes, sir.

Q Do you know whether he was ever paid under that roll? A Yes, sir, he was paid.

Q In what tribe or nation does he belong? A Cherokee-Shawnees.

Q Do you know of him joining any other tribe or government? A No, sir.

MR. HASTINGS: Do you know of your own knowledge that he has not voted elsewhere—of your own personal knowledge? A No, sir.

Q This man states that he came here in '71, and lived here about four years, and went back to Kansas, and from there to Wyoming, I believe from there to Nebraska, and from there to Missouri, and reached Missouri about '94 or '95, and has lived there ever since, that is about correct, is it? A Yes, sir.

COMMISSION: The name of George L. Flint appears as No. 325 upon the register of the members of the Shawnee tribe of Indians who moved to and located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians. The name of George L. Flint also appears as No. 343 upon the pay roll of Cherokee-Shawnee citizens of the Cherokee Nation, as disbursed by D. W. Lipe, treasurer of said Nation, authorized by an act of the National Council approved March 30, 1866.

The attorney for the applicant will be granted fifteen days in which to furnish the Commission with certified copies of the Wallace and Dixon Rolls of Cherokee-Shawnees.

COMMISSION: Do you submit this case to the Commission for final consideration?

MR. CLOVER: Yes, sir.

COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now filed, in addition to the certified copies of the roll above requested.

-2-

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes, he has recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes taken.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of February, 1906.



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*H. R. L.*

In the matter of the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation.

D E C I S I O N .

--oOo--

The record in this case shows that on September 17, 1900, the applicant, George L. Flint, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen of the Cherokee Nation. Thereafter, on February 24, 1902, at Muskogee, Indian Territory, further evidence in the matter of this application was heard, and the case was submitted to the Commission for final consideration and ordered closed.

It appears from the evidence in this application, that the applicant, George L. Flint, has not lived in the Cherokee Nation since about the year 1874. His name appears upon the Register of Shawnees who removed to the Cherokee Nation, prior to June 10, 1871, according to the terms of the Cherokee-Shawnee agreement, approved June 9, 1869, but does not appear upon the Cherokee authenticated tribal roll of 1880. He is identified on the Wallace Roll of Shawnee-Cherokees, on the Dickson roll of Shawnee-Cherokees, on the Cherokee-Shawnee Pay roll of 1896 and the Cherokee census roll of 1896.

Paragraph 9, of Section 21, of the Act of Congress of June 28, 1898. (30 Stats., 495), provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: . . . ."

It is therefore the opinion of this Commission that George L. Flint is not lawfully entitled to be enrolled as a member of the



Washington, D. C.

Office of Indian Affairs, Department of the Interior,  
Washington, D. C.

THE COMMISSIONER OF INDIAN AFFAIRS

  
L. B. Hewitt  
Commissioner

Butte, Indian Territory,  
this MAY 20 1902



~~Tablequah with Cherokee Nation.~~

Cherokee R-579.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tablequah, I. T., May 25, 1903.

In the matter of the application of Levi G. Flint for the enrollment of himself as a citizen of Shawnee blood, and for the enrollment of his wife, Stella A. Flint, as a citizen by adoption of the Cherokee Nation.

Applicants represented by William Henry White, 416 Fifth Street Northwest, Washington, D. C.; Cherokee Nation represented by W. W. Hastings.

Levi G. Flint, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

- Q What is your name, age and postoffice? A Levi G. Flint, post-office Weneea, Missouri, and my age is 63 years old.
- Q You are a Shawnee by blood? A Yes.
- Q Is Mrs. Flint also? A No, she is an Omaha by blood.
- Q What blood? A Omaha.
- Q When were you married? A Married in Kansas.
- Q About when? A 1858, November or 1853.
- Q Were you living in Kansas in 1869? A Yes.
- Q Did you come to the Cherokee Nation with the Shawnees? A Yes.
- Q When? A In 1871.
- Q Before June 7th? A Yes, before June 7th.
- Q What members of your family also came? A I would have to study that out as I had a big family. They were all enrolled, they will be found on the register.
- Q Did all the family come? A Yes, they all came.
- Q What did you do to earn a living when you came? A Why, I tried to farm while I was here part of the time and part of the time I worked at my trade, blacksmithing.
- Q How long did you remain in the Cherokee Nation, until when? A I remained here until the fall of '74.
- Q How did you come to leave the nation? A Why, I got an invitation from H. W. Jones, United States Indian Agent, to go to the Quapaw Agency to take charge of the Government shop there. That is how I came to leave here. I thought I could do better over there.
- Q Did you leave any property in the nation? A Yes, I had a little property in the nation.
- Q What? A I had a good house for one thing; a little improvement in the way of a farm, a little ground fenced up, eight or ten acres.
- Q Any stock? A Well, a cow and a calf. I didn't have no other stock because my stock died off before I left here.
- Q Was it a team of horses? A It was a team of horses and the other one was a team of mules.
- Q Did the death of the two teams have anything to do with your leaving? A Why, certainly, I couldn't do anything without a team. I was trying to open up a place.
- Q It then caused you to quit farming? A Yes.
- Q What was the value of the house? A Well, the house was put up for \$600.00; I paid \$600.00 for it.
- Q Did you leave any farming implements? A Well, at the time I left I didn't have anything but some plow and a harrow.
- Q Did you leave them in the nation? A No.
- Q With whom did you leave the cow and calf? A I kept them with John Hedger.

2-Levi G. Flint et al.

Q When you went to the Quapaw Agency did you intend to return to the Cherokee Nation or not? A Why, certainly; I applied to the Council to be reinstated not a year after I was discharged from the United States service. I was reinstated, but then I neglected to move back in the required time, and I had to apply again.

Q In 1886 did you appear before the Council? A That was the second time I made the application. The first time was '78 or '80.

Q You were enrolled in 1886? A I took for granted I was enrolled; I didn't stay to see it done. Mr. Lamar that was conducting the case for me showed me that I was reinstated, that I didn't trouble myself any further, I was in a hurry to get back home. I didn't stay to see that I was put on the roll.

By Mr. Hastings: The Cherokee Nation objects to the witness testifying that he was reinstated unless it is the intention of counsel for the applicant to produce a record evidence to substantiate it, which is the best evidence in the case, if it be a fact that he was reinstated this second time as he testifies.

By the Commission: Objection noted.

Q Did you and your wife receive shares of the strip money in '96?

A I received money only once since I was there, since I was out of the nation, and I don't remember whether it was strip money or other money; it was just one time. It was on the roll that was made by Wallace.

Q How much did you receive? A I didn't charge my mind memory with the amount.

Q About how many years ago? A I can't remember now.

Q When did you secure the farm you now hold? A It was directly after I was reinstated, I don't remember exactly.

Q Have your wife and daughter, Gertrude, an interest in this farm?

A Why, yes.

Examination by W. W. Hastings.

Q What became of the house and improvements you owned when you left the Cherokee Nation in 1874? A I don't know what Johnson Thompson- what disposition he made of them; I understood afterwards that one of the Landrums got it.

Q You never owned it any longer?

By Mr. White: Object to the question as calling for opinion of law.

By the Commission: Objection noted.

A I thought I owned it as long as it was in Thompson's care, but I don't know what disposition he made of it afterwards.

Q Whose care did you leave it in? A Old Johnson Thompson.

Q After 1874 when did you next see the improvements, if at all?

A

By Mr. White: Objected to as immaterial.

By the Commission: Objection noted.

A Well, I passed through one time and I saw it was all gone back to state of nature. The house was gone away.

Q When was that you passed through, as you say? A In '76 or '77, I don't remember.

S- Levi C. Flint et al.

Q What became of this cow and calf you left there with Weaver in 1874, are they living yet?

By Mr. White: Object to the question that it is frivolous.

By Commission: Objection noted.

A John Weaver kept them until they became quite a bunch of them when I sold the whole bunch to him.

Q When did you sell them to Weaver? A I don't remember what year it was.

Q As near as you can remember? A In '77 or '78, I don't remember the exact date.

Q After 1877 or '78 did you own any improvements or any personal property in the Cherokee Nation before you acquired your present improvements? A No.

Q When did you acquire your present improvements? A I don't remember how long now. It was after I was reinstated by the Council; I got the improvements on the strength of being reinstated; I thought I would hold my rights on that account. I was reinstated in '98, I think.

Q You think in 1898, is that what you say? A I think it was.

Q When were you first reinstated after 1874? A It has been so long, - in '78 or '80, I don't remember now which exactly.

Q Where were you then living? A I was living at Seneca.

Q Missouri? A Yes sir.

Q Were you required to remove to the Cherokee Nation?

By Mr. White: Object to the question as calling for a conclusion of law.

By the Commission: Objection noted.

A No, there wasn't anything said about my moving back right away.  
Q Was anything said at all?

By Mr. White: Object to the question as immaterial, as being hearsay.

By the Commission: Objection noted.

A Nothing said about it. Come to remember now, Woodall, the man that reported--- I wasn't present at the Council but Woodall told me that there was no limitation set, I could move back whenever I felt like it; that was from Woodall, he was a member of the Senate.

By Mr. White: We wish to withdraw the objections of the last two questions.

Q Why did you state in your direct statement that you were reinstated upon conditions?

By Mr. White: I object to that as not properly putting the testimony of the witness.

By the Commission: Objection noted.

A I don't remember of making any such statement.

Q Did you ever get any act of Council reinstating you?

By Mr. White: Objected to as calling for secondary evidence.

By Mr. Hastings: The Cherokee Nation desires to answer this objection by stating that if this man was reinstated it would have to be by an act of the National Council or an act of some Commission

4-Levi C. Flint et al.

having authority to do the same, and the written evidence of that is the best evidence of that fact and not secondary.

A Do you mean did I get a copy of it?

A Yes. A No, I never did; it was all verbal.

Q When do you claim to have been reinstated? A The first or second time? I was reinstated twice.

Q The first time? A It has been so long ago; I said it was either in '79 or '80, but I think it was '80 though.

Q How do you know you were reinstated? Did you ever see any decision of any Court or any act of Council reinstating you? A No, I never did; all that I know was that Mr. Woodall, he was the chairman of the Committee, and he told me about my case; he came to Seneca and reported it to me.

Q Then all you know is just what Woodall told you? A That is all. I suppose though it is a matter of record.

Q When do you claim to have been reinstated the second time? A I think it was in the fall of '86.

Q What authority reinstated you? A Why, the Cherokee Council to be sure.

Q Did you ever see a copy of an act of the Cherokee Council reinstating you? A No.

Q You only drew money one time and that was when Mr. Wallace made a roll, is that correct? A Yes, that is correct.

Q Was that in 1889 or 1890 or 1891? A I think it was in '90, I reckon it was, the agent gave me a notice for this payment and I wrote and inquired of him particulars whether I was entitled. I had drawn money before that, a year or two before that, and he said it was the same money that he had paid out, that he had paid out in the first payment; I reckon it must have been '90.

By W.W.Hastings: I will ask the Commission right here to make a note from its record when this Wallace payment was made. I will ask them to place in the record as to when the Wallace roll was made.

By the Commission: It appears from the records of the Commission that the Wallace Roll referred to by the applicant was made in the year 1889 and the payment of that roll was made about 1890 or 1891.

Q How long have you lived in Seneca, Missouri? A I moved in there in '78.

Q What are you doing there? A I am working at my trade, blacksmithing.

Q Have you a house there? A Yes.

Q When did you purchase it? A Just about '85, I guess.

Q Did you own one in Seneca before that? A Before this one I bought in '85?

Q Before 1895? A No; I was renting all that time.

Q Where is your daughter Gertrude? A She is at home at present, taking care of her mother.

Q How much farm have you in the Cherokee Nation, how many acres inclosed? A I expect in the neighborhood of from 150 to 200 acres. I was getting a rental of \$150.00 a year until this trouble came.

Examination by the Commission.

Q What authority did you give Thompson with reference to the disposition of your house? A I didn't give him any authority direct. I owed him a little store bill and I understood he disposed of it and got his pay out of that.

Q Who was Mr. Lassar who told you that you were reinstated the second time? A Mr. Lassar was a member of the Council.



5-Levi C. Flint et al.

Q In what way did you keep up your connection with the Cherokee people from the time you went out up to the time you acquired your present improvements? A That was the only way I tried to keep up my connection with them was to come in and get reinstated; when the limit was passed I come back and was reinstated so as to be ready any time to move in whenever I got ready.

Q Of what do your present improvements consist and how did you acquire them; where are they located? A Well, I just answered that question, part of it anyhow.

Q How did you acquire them? A Farm-buildings —.

Q How did you acquire them and where are they located? A I acquired them by purchase. They are located about three miles north of Afton, in Delaware District.

Q Have you voted at elections in Missouri during your residence there? A Yes.

Q How often? A Why, I voted, — I don't know exactly how often, nearly at every election though with the exception of the first three or four years.

The names of the applicant as Levi Flint and his wife as Stella C. Flint appear on the Cherokee-Shawnee pay-roll of 1886 at Nos. 344 and 345, but the roll does not show that the money was paid.

By Mr. White— That also on this book some of the places are indicated as paid while some are blank, and at this particular one there is a blue check. There is no indication showing what the blue check would indicate.

Examination by Mr. White:

Q You have also voted in the Cherokee Nation? A Why, they wouldn't let me do that while I was outside. Judge McKee told me particularly I hadn't no right to vote in the Cherokee Nation while I was outside. I never offered to vote. I thought if that was the rule I wouldn't offer to vote.

By the Commission: The applicant is so deaf that the questions had to be submitted to him in writing.

Charles B. Laughlin, being duly sworn, and examined by applicant's attorney, William Henry White, testified as follows:

Q What is your name, age and postoffice? A Charles B. Laughlin, Seneca, Missouri, and I am fifty-one years old.

Q You are the son-in-law of Levi C. Flint? A Yes sir.

Q Please give me the names of the children of Levi C. Flint and Stella A. Flint, his wife? A George L. Flint is the oldest; then Mrs. Browning, or Sarah E.; then Rebecca L. Laughlin, my wife; Mrs. Lydia Spencer and Gertrude Flint.

Q Gertrude is unmarried? A Yes sir, she is single.

Q Mrs. Browning is dead, is she not? A Yes sir, she is dead. at the present time. She has been dead four or five years.

Q How many children did she leave? A Three children.

Q They are all minors? A Yes sir, all minors.

Q Is George Flint married? A Yes sir.

Q Has he any children? A No sir.

Q And Mrs. Spencer has how many children? A She has three children.

Q All minors? A Yes sir, all minors.

Q And you have how many? A Nine; they are all minors except two; they just recently became of age.

Q Then were minors when the application was made? A Yes sir, they were minors at the time of the application.

Q Are all of these children whom you have mentioned living? A Yes sir.

6-Levi C. Flint et al.

Q Are you familiar with the facts as to Levi C. Flint and Stella A. and Gertrude A. Flint's purchase of improvements in the Cherokee Nation? A Yes sir.

Q When was that made? A That was made in 1896, their present improvements.

Q Where did they get the money to purchase that? A They got it from what is known as the strip payment.

Q Do you know certainly that they received that strip payment? A I do, yes sir; they received that.

Q Did somebody else receive the money for them? A Why, they received the part paid by the United States Government themselves, the adults received their own money, but the part of the Cherokee part I draw that for them under a power of attorney for George L., for Levi and his wife and Mrs. Spencer.

Q Mr. Flint has testified here that he didn't receive the strip payment money; he then is mistaken about that? A How is that, that he didn't receive it? If he didn't he must be mistaken or I am, one or the other.

Q Do you know what use was made of the money? A The money was paid out for these improvements I know; he got the money, but whether he collected this individually I couldn't say or not. It was collected, I couldn't say whether it was him or his wife, but they got the money I know that.

Q He has not sold these improvements which he purchased? A No sir.

Q Have his wife and Gertrude interests in these improvements or not? A Yes sir.

Q Do I understand you to say that the money received by all three of them was used in the purchase of this place? A Yes sir, that is they used their money in common and they paid for it in common.

Q And they treated the rents in the same way? A Yes sir, the rents in the same way.

Q You are acquainted with Mrs. Dydia K. Spencer, the daughter of Levi C. Flint? A Yes sir.

Q She is your wife's sister? A Yes sir.

Q Where was she educated? A After she first got her common school education mostly in Seneca, Missuri, and then after that I wouldn't pretend to say how old she was, she was then sent to Carlisle, Pennsylvania, the Indian school there.

Q How long did she remain there? A She was there five years. She completed her course in 1892.

Q Do you know when she was born? A Well, she was born about 1871, the early part of it. I forget whether it was February or January.

Q And then when she returned from school she must have been about twenty-one years of age? A Yes, about that.

Q Then if she remained at school five years she must have left for that school when she was about sixteen years of age? A Yes, that is the way it would figure out, about sixteen years of age; she was about that.

Q When was she married? A She was married in November, of '90.

Q Of the year she returned? A The same year.

Q How long did her husband live? A He was killed on the 28th of July, 1900.

Q They lived as husband and wife until his death? A Yes sir.

Q What is Mrs. Spencer's present employment? A I don't know exactly what the government terms it. They call her little boys' matron.

Q Where? A At the school, in the Indian school, Wyandotte. At the Wyandotte Indian School.

Q She is in the government employ there? A Yes sir.

Q How long has she been so employed, since before her husband's death? A Yes sir, before her husband's death. I ain't sure but I think it was in 1899 she was employed.

7-Levi C. Flint et al.

Q You do remember that her employment began before her husband's death? A Yes sir, she was in the government employ then.

Mr. White: We offer a statement of the Superintendent and United States Indian Agent, Wyandotte, Indian Territory, as to the term of service of Mrs. Lydia K. Spencer.

W.W. Hastings: The Cherokee Nation has no objection except that it is immaterial.

Commission: The document will be offered in evidence and made a part of the record in this case.

Q Has Mrs. Spencer any improvements in the Cherokee Nation? A Well, yes, sir.

Q When did she acquire them, if you know? A I think she acquired them about the same time as the rest; I know they were all getting it the same time.

Q What year was that? A In '96, possibly a year later, '96 or '7. I will say, however, she had it, - I don't know whether that would count for any property, she had a town lot in Fairland, I don't know whether that is counted; she had a town lot in Fairland in '93.

Q How many acres has she under fence? A About two hundred; that is as near as we can come at it.

Q Has she sold any part of her improvements? A No sir.

Q Mrs. Rebecca L. Laughlin is your wife? A Yes sir.

Q Where were you married? A Seneca, Missouri.

Q When? A The fifteenth of March, '82.

Q How old was your wife at the time of your marriage? A Eighteen; she was married on her eighteenth birthday.

Q Was she employed before her marriage? A Yes sir, she had been employed in the Indian service at this same Wyandotte-Seneca-Shawnee school.

Q Was she in the employ of the United States Government? A Yes sir.

Q Until the time of your marriage? A Yes sir, up within two or three weeks; she resigned two or three weeks before the marriage.

Q She has been living with you as your wife ever since? A Yes sir.

Q Has she improvements in the Cherokee Nation? A She has, yes sir.

Q When did she acquire them? A In 1893.

Q How many acres of land has she under fence? A About four hundred.

Q Has she sold any part of the same? A No sir.

Q Did she and your children draw the strip money? A Yes sir.

Q Was any part of this money used in purchasing improvements in the Cherokee Nation? A It was.

Q Where were your two oldest children born, her two oldest children also? A In the Quapaw Agency; it was in the Peoria reservation, but it was under the jurisdiction of the Quapaw Agency.

Q Do you know whether or no Mrs. Spencer received her pro rata share of the strip money? A Yes sir.

Q Do you know whether or not she used this money for the purchase of improvements in the nation? A Yes sir.

Q Your wife is the daughter of Levi C. Flint and Stella A. Flint? A Yes sir.

Q When were Mr. and Mrs. Preston O. Browning married? A They were married in 1883, in October; I couldn't tell you the exact date further than the month.



8-Levi C. Flint et al.

Q Do you know whether or not they acquired any improvements in the Cherokee Nation? A Yes sir.

Q When first? A Well, as near as I can arrive at the date it must have been in the ———they commenced improvements in the fall of '86, in the fall and winter.

Q What improvements were they? A They had one hundred acres at that time.

Q Was the house built on that improvement? A The house was built on that improvement.

Q When, if you remember? A I can't tell the exact date of that, further than this, it was the latter part of that winter which must have made it early in '86; I am arriving at that date, you understand, by a hardware bill I come across. Of course, I looked it up.

Q At the time of Mrs. Browning's death how many acres did she and her husband have improved in the Cherokee Nation? A They estimate that they had eight hundred acres; further than that I don't know, only what they said; they estimated that there were improved eight hundred.

Q Have you seen this tract of land? A Yes sir.

Q What is your estimate on that? A It wouldn't be far off, I would say from 700 to 800.

Q All under fence? A Yes sir.

Q Any other property? A You mean for Brownings?

Q Yes? A Yes, they had interests in lumber yards in the territory.

Q Did Mrs. Browning and her children secure a pro rata share of the strip payment? A Yes sir.

Q Do you know what was done with that money? A No, I don't, further than they told me that it went into his business.

Q What business? A The lumber business.

Q Where? A Well, I suppose in the yards.

Q Where were they? A They were living in Seneca.

Q Where were the yards? A They were in the territory here.

Q Where in the territory? A Do you mean the present time or different times?

Q Different times? A At one time they had one at Prairie City, now called Okmoochee, but that was discontinued. They have one at Fairland.

Q They have now? A Yes sir, they have now; one at Vinita, one at Chelsea and one at Grove. They had one at Adair, but that was afterwards abandoned; they put it with one of their other yards. They also had one at Gatoosa, that was afterwards consolidated with one of their other yards.

Examination by W. W. Hastings.

Q Mr. Laughlin, where were you married? A Seneca, Missouri.

Q Where do you live at present? A I live at Seneca.

Q I believe you say you have nine children? A Yes sir.

Q All but the first two were born in Seneca? A Yes sir, all but the first two, they were born in Missouri; they were born in Seneca, yes, all of them.

Mr. White: All of them but the first two? A Yes, I was answering his question.

Mr. Hastings: How old is your third child? A The oldest one that is a minor?

Q Yes. A She is seventeen, will be eighteen next birthday, next month.

9-Levi G. Flint et al.

Q What is your business at Seneca? A I am in the grain business.

Q How long have you been in that business? A Well, to sum up all the time I have been in it, I have been in it right at fourteen years, close to it.

Q Do you own a home there? A I own one myself.

Q You are a white man yourself? A Yes sir.

Q Citizen of the United States? A Yes.

Q You don't claim citizenship here? A No sir, I have made no claim to citizenship.

Q Where does George Flint live, your wife's brother? A He now lives in the Ottawa reservation in the Quapaw Agency.

Q How long has he lived there? A Three or four months.

Q Where did he move from? A Seneca. I mean he has been up there about two months.

Q How long had he lived in Seneca, Missouri, prior to his removal there? A I couldn't hardly say about that, I can't remember the exact date. Well, if you will allow guess work I would say ten or twelve years.

Q Where was he married? A The last time in Wyoming. He has been married twice.

Q Where was he married the first time? A The Ottawa Nation, Quapaw Agency.

Q You haven't mentioned George Flint as owning any improvements in the Cherokee Nation? A Not that I know of.

Q Now Mr. Laughlin, I want to ask you when you became personally acquainted with Mrs. Browning owning improvements in the Cherokee Nation, she is dead now, but when did you first know of your own personal knowledge? A When we went in.

Q When was that? A That was about the fall of '85.

Q Were you upon those improvements at that time? A No sir, I just got this from conversation with Mrs. Browning and Mr. Browning.

Q When did you first see their improvements? A I couldn't say.

Q Have you ever seen them? A Oh, yes.

Q When first? A That is coming down pretty close, - I couldn't tell you exactly when, but it must have been about some place from '88 to '90.

Q Are these the same improvements that you claim there also, namely the children own now? A Yes sir.

Q I believe you said your wife purchased, or you for her, improvements in about '93? A Yes sir.

Q Where are those? A They are north of Arton, about five miles.

Q Who did you purchase them of? A I purchased them of P. G. Browning.

Q Part of the same improvements he had made? A They are part of the improvements. This first improvements that he made, this eight hundred acres, is outside of the improvements I purchased of him.

Q Where was Browning and his wife married? A They were married in Delaware District, at the Clerk's office.

Q Where was Mr. Browning living at the time? A His home was in Seneca at that time.

Q What was his business at that time? A Well, I think he was in the saloon business at that time.

Q He has always maintained since that time some kind of business in Seneca, hasn't he? A Yes sir.

Q Does he own a home there? A Yes sir.

Q Well, you speak of his being interested in some lumber yards before in the Cherokee Nation. Did he also have one in Seneca, Missouri? A He had an interest in one at Seneca.

Q Did he own these in the Cherokee Nation or did he have an interest in them? A I don't know as to that; that is part of his private business, as far as he owning the whole business I couldn't say about that. It is understood that they are his lumber yards, that is as far as I know.

Q Mr. Browning's wife died, I believe you said, three or four years ago? A Yes, it is longer than that, I suppose.

Q About how long? A It must be about five years.

Q Since that time he remarried, didn't he? A Yes sir, he remarried since.

Q Do you know about when he married the last time? His last wife was a white woman? A Yes sir.

Q He married her some time prior to the first of last September?

A Yes sir, he married prior to September 1, 1902.

Q Where was he living at the time he died? A Seneca.

Q His children living there with him? A Yes sir.

Q Where did his first wife die? A She died in Seneca.

Q Now, after their marriage in 1883, up until each of them died, they lived in Seneca, Missouri, with their family, their children?

A Yes sir.

Q All of their children were born there? A Yes sir.

Q I mean Browning? A Yes sir.

Q Since before the birth of your oldest minor child you and your wife have also lived in Seneca, Missouri? A Yes sir, not continuously either for there was one year I spent in the territory in the Government service, about '90.

Q In the Quapaw Agency? A Yes sir.

Q With that exception of one year you lived in Seneca, Missouri?

A One year or a year and a half, yes sir.

Q Now, is Mrs. Spencer living, I have forgotten? A Yes sir.

Q Where does she live? A She is at work in the Wyandotte Indian School.

Q She has been at work there according to that letter, since August, '99? A Yes sir, I think it was August, '99.

Q Prior to that time where did she live with her husband? A Seneca.

Q Her father and mother were living in Seneca, Missouri, while she was off at Carlyle at school? A Yes sir.

Q They were living there at the time of her marriage? A Yes sir.

Q And subsequent to her marriage she continued to live there until her employment in the Government school in '99, is that true? A Yes sir.

Q I believe you say, her husband was killed in 1900? A Yes sir.

Q Was he a citizen of the United States? A Yes sir.

Q Did they own a home in Seneca? A No sir.

Q What was his business? A He was a traveling man; he was collector for the Deering Harvesting Machine Company part of the year, and part of the year for the Dowagiac Drill Co.

Q Where is Gertrude Flint? A She is at home at present.

She is with her father and mother.

Q Has she made that her home all the time? A Yes sir, she has made that her home.

Q Has she been out in the States, away from there? A Yes sir.

Q Where? A She took a course at Carlyle Institute, - I mean Haske's Institute, Lawrence, and when she completed she was employed there one year, and two years she has been employed at Fond du Lac, Wisconsin, at the Indian school, and she would have been there yet if it hadn't been for the health of her mother.

Q Her father and mother lived in Seneca, Missouri, and that was her home? A Yes sir.

Q When did this George Flint go to Wyoming? A I don't know.

Q Did you know him when you were married? A Yes sir.

Q Where was he then? A He was in the Ottawa Nation.

Q How long did he stay there after your marriage? A He was there until his wife died, I don't know just what year, but she died probably about two years after I was married.

Q And how long was it before he went to Wyoming? A A good long time after that, I couldn't say how many years. He worked around in that country about as long as I stayed in the Quapaw Agency, he worked around in the Peoria Nation.

11-Levi C. Flint et al.

Q When did you leave the Quapaw Agency? A In '84 the first time; and then after that he stayed there at what is called the Quapaw Mission school for some time; he was employed there for two or three years anyway.

Q Mr. Laughlin, do you know personally about the purchase of this improvement by Levi Flint and his wife and his daughter, Cortrude?

A Yes sir.

Q Were you present? A I made out the contract.

Q From whom did they purchase it? A From P. G. Browning.

Q Their son-in-law? A Yes sir.

Q Did he give them a written contract? A Yes sir.

Q A Bill of Sale? A It wasn't exactly a Bill of Sale; it was a note in the shape of a contract and that note was redeemed and they got the payment.

Q How do you know? A From the fact that Browning told me so himself.

Q Do you know it personally? A I know it that way. He told me personally that the note had been paid, I didn't see it. I took his word for it.

Q You told me personally about it too? A Yes.

Q Were you ever on this land that these people purchased? A Yes sir.

Examination by the Commission.

Q When did you first get acquainted with Levi C. Flint? A In 1879.

Q Where was he then? A In the Quapaw Agency.

Q And you have known him ever since? A Yes sir.

Q Was he ever employed by the United States Government? A He was employed and was let out when I came there. There was several employees let out at the same time.

Q What was he doing? A A blacksmith.

Q Where? A At the Quapaw Agency.

Q You haven't been employed in the United States Government then since 1879? A No sir.

Q Now, you say George L. Flint doesn't own any property in the Cherokee Nation? A No sir, not that I know of.

Q He hasn't lived in the Cherokee Nation since he went out with his father? A I couldn't say about that, any further than he has said he was in the Cherokee Nation about a year afterwards, and I don't know what year it was or where; I just have that from a conversation with him.

Q Now, you say that Preston G. Browning has lived in Missouri ever since his marriage? A Yes sir.

Q Does he rent his farm that he has here? A Yes sir.

Q He first acquired these improvements about '85 or '86? A About '85, I think it was in the fall of '85.

Q Have they owned them ever since that time? A Yes sir, with the exception of what I bought from them. The improvements that he claims now he owned them ever since.

Q You bought yours when? A In '93.

Q That is for your wife? A Yes sir.

Q And children? A Yes.

Q Have you rented them out since that time? A Yes sir.

Q Your wife has never lived in the Cherokee Nation since she left with her father? A No sir.



12- Levi C. Flint et al.

Q And Gertrude F. Flint has never lived in the Cherokee Nation at all, has she? A No sir.

Q Now, when did you say that Mrs. Spencer acquired her improvements? A Well, about 1896.

Q The same time as her father? A Yes sir.

Q They rented them also? A Yes sir.

Q She has never lived in the Cherokee Nation since she left with her father? A No sir.

Q Now, none of these applicants have allotments up in the Quapaw Agency, or any of these agencies? A They have no allotments any place.

Examination by Mr. White.

Q The school which Mrs. Spencer attended at Carlisle, Pennsylvania, was the Indian school at that place? A Yes sir.

Q It is conducted under the United States Government? A Yes sir.

Q Her husband at the time of his death was in what employment?

A He was a private in the United States Army.

Q Does she draw a pension for his death? A Yes sir.

Q Was Gertrude a minor when she began attending the United States Indian school at Haskell; was she under eighteen years of age? A I am not sure about that; I guess she was over eighteen when she went there.

Q Can you fix the date of her birth? A In 1878.

Q And when did she go as a student, I mean to that school? A It is five years ago, I think since she went.

Q Didn't I understand you to say she was educated there? A She just took a normal course there for teaching; most of her education was received at Seneca.

Q Preston G. Browning is dead, is he not? A Yes sir.

Q When did he die? A The ninth of February, 1903.

Q How many acres are embraced within the improvements owned by Mrs. Laughlin? A About four hundred.

Q And by Mrs. Spencer? A By Mrs. Spencer about two hundred, I think. These are estimates we have to arrive at by a general knowledge of the outlines. You see these improvements don't occupy certain forties, some run on one forty and some on the other. But it is close to two hundred acres.

Q And how many, Levi C. Flint, Stella A. Flint and Gertrude, in their tract? A About one hundred and sixty as near as we can come at it.

Examination by Mr. Hastings.

Q Mr. Laughlin, were you present when Mr. Levi C. Flint drew any of the Cherokee strip money? A No sir, I wasn't present when he drew it.

Q Then what you stated about his drawing is from in oration you have received from others? A Yes sir, nothing then they had the money to use.

Q You didn't draw it yourself? A No sir.

Examination by the Commission.

Q You draw money for some of these parties? A My wife drew for herself and children.

Q Did you draw for any others? A I drew for all of them when the Cherokee paid their part.

Q That was for all of them? A Yes sir.

Q You mean for Levi C. Flint, his wife and all his children? A Yes sir, and even George Flint.

13- Levi W. Flint et al.

Q And for Mrs. Spencer and her children? A Yes sir.

Q And for Mrs. Browning's children? A Yes sir, Mrs. Browning and her children.

Q And for your wife and your children? A Yes sir.

Q Do you remember how much was paid to you? A No, I don't remember exactly, but it was the balance, whatever the balance was the Cherokees were paying.

Q Something like fifty dollars a piece? A Yes sir.

Q Where did you draw that money? A At Vinita.

Q In '98? A I think it was in '98.

Q Who paid it to you, do you know? A The Cherokee treasurer; I believe his name was Lips.

Q D. W. Lips? A I don't know his initials; he was the Cherokee treasurer.

H. C. Miller, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A H. C. Miller.

Q You live at Seneca? A Yes sir.

Q What business are you in? A I am in the lumber business.

Q You were associated with Mr. Preston G. Browning in that business at the time of his death? A Yes sir.

Q Which occurred when? A The tenth of February.

Q This year? A Yes sir, this year.

Q Do you know whether or not Mrs. Browning and her children received their share of the payment, of the strip payment? A Yes sir.

Q Do you know what became of that money? A Well, they invested it in the lumber business.

Q Do you know when Mr. and Mrs. Browning first began making improvements in the Cherokee Nation? A Why, they established a lumber business at Prairie City in '85.

Q When the next lumber yard? A The next lumber yard was at Chelsea in '87.

Q And the next? A At Vinita, in '87.

Q And the next? A And at Adair shortly after that.

Q And the next? A Catoosa, along about a year after that.

Q Is that all? A Then at Fairland in '91, and at Grove in '98.

Q Is that all? A Yes sir, that is all the lumber yards.

Q Then as to the farm? A He built his house in the winter of '85 and '86.

Q Do you know how many acres he first had under fence? A No, I don't know how many acres he had.

Q Do you know how many they had at the time of her death? A No, only by hearsay.

Q Do you know whether or not they sold these improvements? A No, they haven't sold the improvements because I know that Mr. Browning was talking about that a short time before his death.

Examination by Mr. Hastings.

Q When did he discontinue the business at Prairie City? A Well, I don't remember exactly, but it was to the best of my recollection about a year or a year and a half.

Q After it was established? A Yes sir.

14-Levi C. Flint et al.

Q When was it discontinued at Chaleea? A It never was discontinued there.

Q It is a firm business in which Mr. Browning had some interest?

A Yes, he established the business.

Q It was run in his name and he had some interest? A Yes sir.

Q In the Cherokee Nation you run it here in his name? A Yes sir.

Q He just had an interest in the business? A We had an interest in the business. You might construe it in there; he Superintended the business.

Q Did he have an interest in the business? A Yes sir.

Q Any financial interest in the business? A Yes, I couldn't tell you how much.

Q Why can't you? A I loaned Mr. Browning some money when he first went into the business and he had money from one other party that I know of, and I couldn't say.

Q Well, that is all over now, can't you tell what interest he had in this business, if any, what financial interest? A Well, because I don't know. I couldn't tell that exactly. I could tell what I let him have.

Q How much did you let him have? A In the first place about \$1300.00.

Q You never saw his farm or anything? A I was on his farm once.

Q When? A It has been several years ago. I don't remember, it was as much as eight years ago.

Q That was the only time you were ever on it? A Yes sir.

Q And all the rest you state is what he told you or other told you? A Yes, you might say that to a certain extent. Yes, I know all about his building a house, his lumber and a carload of posts that he bought.

Cyrus C. Gornatzer, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name? A Cyrus C. Gornatzer.

Q And where do you live? A Vinita.

Q How long have you known Levi C. Flint and Stella A. Flint? A All my life.

Q How old are you? A About fifty years old.

Q You knew them in Kansas? A Yes sir.

Q They were recognized Shawnees there? A Yes sir.

Q Do you know when they came to the Cherokee Nation? A Yes sir, they came down in '71 when we all came down.

Q Before June 7th? A Yes sir.

Q Did you know them while they were in the nation? A Yes sir.

Q What did Mr. Flint do for a living when he first came to the Cherokee Nation? A Farming.

Q How long did he continue to farm? A Why, up until the time before he left up there. I think it was in '74 when he left.

Q Do you know what his financial condition was at that time? A He was like the rest of us, lost all his horses and quit farming.

By W. W. Hastings: Objected to by the Cherokee Nation on the grounds as being immaterial.

Q Do you know when he left the Cherokee Nation? A In the fall of '74.

Q What, if any property, did he leave in the Cherokee Nation when he left, that you know of? A He left a little place there. A house and he had about — I don't know how much he did have in cultivation.

Q How much did he have fenced if you know? A I couldn't hardly say, I thought about ten or twelve acres.



15- Levi C. Flint et al.

Q He left the house behind? A Yes sir.

Q And the fences? A Yes sir.

Q Do you know of any other property that he left? A No, I don't know; I heard he left his cattle with Weaver, but I don't know; that is hearsay.

Examination by Mr. Hastings.

Q What became of his house and that little place that he owned?

A I don't know. I think Landrum bought the house.

Q You didn't know it had gone to Johnson Thompson for a store bill?

A I don't know.

Q Didn't Johnson Thompson afterwards have it in his possession?

A I don't know about that; I know Landrum bought the house, but I don't know who he bought it from.

Q Was the field improved, or wasn't the house burned up? A No, Landrum moved the house on his place.

Q Moved it away from this place? A Yes sir.

Q The place then that the house was on went back to the public domain? A I don't know, I don't recollect; he bought it.

Q You don't know how long afterwards? A Bill Davis owns the place now.

Q You don't know whether it first went back to public domain, or afterwards taken up, or how? A No sir, I don't know how it was disposed of. I moved away from them afterwards.

By Mr. White: Johnson Thompson is dead, is he not? A Yes sir, that is what I heard.

John Weaver, being duly sworn, and examined, testified as follows:

Examination by Mr. White.

Q What is your name, John Weaver? A John Weaver.

Q Where do you live? A Vinita.

Q How long have you known Levi and Stella A. Flint? A About thirty-two years, I guess, about thirty-two or thirty-three; I have known them since '71.

Q You knew them when they came in from Kansas to the nation? A I knew them right afterwards.

Q You knew them while they lived in the nation? A Yes sir.

Q What was Mr. Flint doing for a living at that time; when he first came what did he do for a living? A He was trying to farm a little, I think.

Q Were you one of his neighbors? A Yes sir.

Q Did you visit his place often? A Yes sir.

Q How often? A About once a week.

Q Do you know why he quit farming? A I think his stock all died on him and his horses, and he didn't have anything to buy anymore to carry on his business.

Q They were at this time in bad financial condition, were they?

A Yes sir, I considered them so.

Q Do you know where he went into the Cherokee Nation? A He went up into one of those little agencies up there; I don't know which one.

Q What, if any, property did he leave in the Cherokee Nation when he left? A He left a house and a cow and a yearling.

Q He left the cow and the yearling with you, did he? A Yes sir.

Q What did you do with them? A I left them until they were increased to thirteen head and I bought them from him.

16-Levi C. Flint et al.

Q How long did that take? A It must have taken something like eight or ten years; it was so long I couldn't tell exactly how long it was.

Q Have you ever visited Flint and his wife at Seneca? A Yes sir.

Q Did you ever have a conversation with either of them in which they stated whether or not they intended to return to the Cherokee Nation? A No, I never had a conversation with them about that.

Q Not with Mrs. Flint? A No sir, I never did myself.

Q Well, who did? A I heard my wife had a conversation with the old lady about that.

Q It was in your presence then? A Yes sir, it was in my presence.

Q What, if anything, in that conversation did Mrs. Flint state in regard to her intention and her husband to return to the Cherokee Nation?

By W. W. Hastings: Objected to by the Cherokee Nation because it is hearsay, because it is immaterial and because it is self serving.

By Commission: Objection will be noted.

By Mr. White: The evidence is offered as the best and only evidence of the intention of the party at the time.

By Mr. Hastings: The objection is made to this because the Cherokee Nation believes that the subsequent conduct of these people show that that intention was untrue.

A I heard my wife ask her when they were going to move back and she said they were trying to get ready to move back as quick as they could; that is all I heard said about it.

Q When was this? A Why, that has been about, I think eight or nine years ago.

Examination by Mr. Hastings.

Q They never did move back, did they? A No sir.

Q They still live in Seneca, Missouri? A Yes sir.

Q These people were very poor when they left the Cherokee Nation?

A Yes sir, I considered them very poor.

Q In needy circumstances? A Yes sir.

Q And still they left the only cow and calf they had with you?

A Yes sir.

Q Never had another cow and calf? A I don't know what they had after they left here; that was all they had when they left here though.

Q What became of that little place they were living on? A Well, sir, really I think it was moved off, I don't know.

Q Don't you know Thompson - Johnson Thompson - got it for a store debt? A I don't know, it was moved off.

Q Who took charge of it? A I can't say.

Q The house was moved off the place and gave up development? A Yes sir.

Q And reverted to public domain? A Yes sir.

Q And some one else afterwards settled on it? A Yes sir.

Q About how many rooms were in the house? A Two rooms, a frame house.

Q What was it worth? A I would judge at that time it would cost something like four hundred or five hundred dollars.

Q A two-room frame house? A Yes sir.

Q Was it painted? A I think it was.

Q Do you know? A I aint certain, but I think it was painted; it was a two-room house.

Q Don't you know there wasn't a painted house in this country in '1 or '2? A Yes, there was then.

Q How far was it from Vinita? A This old man Roger's place.

Q I aint asking you about that? I am asking how far from Vinita? A It was twelve miles.

Q You lived adjoining it, did you? A Yes sir, right close to it.

Q You kept this cow eight or ten years? A Yes sir.

Q And then you bought it and paid him for it? A Yes sir.

Q And that is the end of it? A Yes sir.

Q Now this little place, this cow and calf was the only property he left there, was it? A Yes sir, that was all I knew he had.

Examination by the Commission.

Q When did you say this conversation took place? A This was in Seneca.

Q Eight or nine years ago? A Yes sir.

Q When he left this cow and calf with you did he say anything about coming back? A Yes sir, that was his intention.

Q What did he say? A He wanted me to keep the cow and calf until he come back.

Q What did he say to you? A Why he just simply told me to take the cow and calf until he come back, for me to take it for him, that was our understanding.

Q How much of a farm did he have there? A I think there was about eight or ten acres; that was a pretty good farm the days.

Q In cultivation was it? A Yes sir.

Q What time of the year did he move? A I think it was in the fall of the year.

Q Did he make any crops on the farm? A No sir, I don't think there was; I don't think there was any crop on it.

Q When was this house moved? A It was gone before I knowed it was gone hardly. But I rather think it was probably along in the spring of '75.

Q That was the year after they moved? A Yes sir, six months or a year afterwards.

Q Where did you buy these cattle from him, while he was in Seneca?

A No sir, I bought them right on my own place.

Q Did he come back? A Yes sir.

Q And sold the to you? A Yes sir.

Q Was that the time you had the conversation with him,-- your wife had the conversation with his wife? A No sir.

Q Did he say anything at that time about coming back? A No, I didn't hear him say anything about it at that time, I don't believe, since he come down to see about the cattle.

Q Have you been up to his house home at Seneca? A No sir, I haven't been up there.

Q Wasn't that where you had the conversation with him? A That was afterwards.

Q You have been up to Seneca? A Yes, I have been up there.

Q Has he got a farm there? A No sir, I haven't a farm there.

Q Has Flint got a place up there? A I couldn't say whether he has or not.

Q What does he do for a living? A He blacksmiths up there for a living.

18-Levi C. Flint et al.

Commission of applicant's attorney: Mr. White, do you desire to introduce any documentary evidence with reference to readmission to citizenship or reinstatement of the applicants? A I don't know that I do; if there is any evidence I would like to have the right to do that within a reasonable time; allow me that for five days.

By Commission: Applicant will be allowed five days to present evidence of the readmission to citizenship of the applicants in these cases, if he so desires. The Cherokee Nation will likewise be allowed to introduce testimony that they were not reinstated.

By W. W. Hastings: The Cherokee Nation desires to offer in evidence Section 761 of the Compiled Laws of the Cherokee Nation found in the Compilation of 1892, pages 376 and 377, as follows:

"All improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place, for the term of one year, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall thenceforward be considered their lawful property; provided, nothing in this act shall be so construed as to impair the rights of orphans."

The Cherokee Nation offers in evidence Section 228 of the Compiled Laws of the Cherokee Nation of 1892, page 136 of the Compilation of 1892:

"Judgment shall not be rendered for the recovery of any improvement upon the public domain in any suit brought before the courts of this Nation, unless such suit be instituted, as required by law, within three years next after the time at which the right of bringing suit for the recovery thereof, or the cause of action shall have accrued to the person claiming the same, or to the person through whom he claims, saving to minors and persons 'non compos mentes', the three years named above after the removal of their disabilities."

By Commission:

Applicant desires to have the testimony taken in this case filed and made a part of the record in the following cases: George L. Flint, Cherokee R-680; Gertrude F. Flint, Cherokee R-675; Lydia K. Spencer et al., Cherokee R-676; Preston G. Browning et al., Cherokee R-672, and Rebecca L. Laughlin et al., Cherokee R-677; and it is so ordered.

By Mr. White: I state that I have gone through the Executive Office of the Cherokee Nation where certain books were shown to me purporting to be acts of the Cherokee National Council for the years 1879 and 1880 and for the year 1896; that the Clerk in custody of those records stated that they were the only records he had and I wish to object at this time to the introduction of any transcripts of those records, or to any certificate that as to whether what does or does not appear of record, for the following reasons: First, that the records bear upon their face the evidence of having been carelessly kept; second, that in some instances they purport to be signed by the various officials of the Cherokee National Council, but an inspection shows that the handwriting of all the signatures are the same, and they were therefore not signed by the officials them-

19-Levi C. Flint et al.

selves; third, nowhere in such records does it appear that the records contain all of the acts of the Cherokee National Council; fourth, there is no resolution of the Cherokee National Council showing that the records as kept contain all of the acts of the Cherokee National Council; fifth, in the absence of this matter of identification I will further object to the introduction of them unless the hand-writing is proven; further, I am compelled to leave the city at once and consent that Mr. Hastings, for the Cherokee Nation, may introduce J. T. Parke, as a witness, who is the Executive Secretary, in my absence.

.....

Evidence taken on part of the Cherokee Nation on  
May 28, 1903.

Cherokee Nation represented by W. W. Hastings; No appearance of W. H. White, Applicant's Attorney.

Andrew B. Cunningham, being duly sworn and examined, testified as follows:

By W.W.Hastings: Your name is Andrew B. Cunningham? A Yes sir.

Q What is your age? A Thirty-two.

Q What is your office? A Tahlequah.

Q What official position, if any, do you hold? A I am Assistant Executive Secretary of the Cherokee Nation.

Q Who is the Principal Executive Secretary? A J. T. Parke.

Q Is there another Assistant Executive Secretary in addition?

A Yes, J. L. Garrett.

Q Are you all three the custodian of the records of the Executive Department of the Cherokee Nation equally? A Yes.

Q I will ask you if Mr. Parke is present and in the town of Tahlequah at this time? A He is not.

Q When did he leave town? A He left town Tuesday noon.

Q Last Tuesday at noon? A Yes sir.

Q I will ask you if he is expected to be gone some days? A He told me he would be back about Sunday or Monday.

Q This coming Sunday or Monday? A Yes sir.

Q Where has he gone? A He went to his farm way up on the Missouri line. He went around by the way of Vinita with his family and he probably stopped there for a day or so; his wife and baby went with him.

Q Well, you have already stated that you are custodian of the records along with J. T. Parke and your other Assistant Executive Secretary of the records of the office of the Cherokee Nation? A Yes sir.

Q Are you the custodian of the acts of the Cherokee National Council? A Yes.

Q Mr. Cunningham, what has always been the practice, or how are the acts of the National Council kept after they are passed or enacted into law, are they transcribed in any books for preservation? A Yes, the custom of the Cherokee government when an act is passed by the National Council and approved by the Chief it is turned over to the Secretary and transcribed into a book marked "Laws of the Cherokee Nation" from a certain date to a certain date. In many instances these original acts are returned to the



house in which they originated; I don't know where they are; there may be some old acts in the Senate safe or Council desks, but in many instances they were returned; that was the custom many years ago. We have some of them on file of late years.

Q Have you examined the original records of the Executive Department in which the acts of the National Council are kept for the years, say from 1875 to 1880 inclusive? A Yes, I examined the acts in that book. (Book presented before the Commission.)

Q Is this the book you present here? A Yes sir, we recognize this as the record of law from 1875 to 1880.

Q So far as you know does that contain all the law between those dates? A As far as I know it does, yes; that is all except 1880 and I have another record over there with the balance of '80.

Q Then it contains all the law from '75 to 1880 inclusive except a few in 1880 which is continued in another book? A Yes sir.

Q I will ask you if these records bear upon their face that they have been carelessly kept? A No, I don't think so. I think the records in those days were much better kept than they are at present.

Q I will ask you if any of the laws which are copied into these records which you present here to the Commission were ever signed by the Council officials, or were they copied in here by the Executive Secretary? A The Executive Secretary simply had one of his Assistants copy this act as approved by the Principal Chief, and all of those names were copied right off into a book, and in many instances these original acts were sent back to the

Council. It used to be the custom to return them at once as soon as they were transcribed.

Q Well, these acts were compared with the original? A Yes, it was the custom for the Assistant to copy or transcribe an act and there was an Assistant there to compare it; that was the way we worked them things.

Q Do these records purport to contain all of the acts of the National Council between these dates of which you stated? A They do.

Q Was it ever regarded as necessary that the National Council pass a resolution certifying that these books were correct copies? A I never knew of anything like that, or of it deemed to be necessary.

Q Now you state that you examined these laws from 1875 to 1880 inclusive and also the acts of 1886. I will ask you if these records contain any act or resolution or action of the Cherokee National Council readmitting to citizenship or reinstating Levi C. Flint to citizenship in the Cherokee Nation? A I have examined those records and fail to find any such record.

By Mr. Hastings: Here the Cherokee Nation tenders the original records testified of by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, to the Commission for inspection and for such remarks as the Commission might find necessary to make with reference whether or not they have been carelessly kept or whether or not they have been well preserved inasmuch as objection was made to them upon this ground by the attorney for the applicant in this case.

Q The record in this case shows that Levi C. Flint's wife's name was Stella A. Flint and they had children by the names of George Flint, Rebecca, Lydia K., Sarah E. and Gertrude. Rebecca afterwards married a man by the name of Laughlin; Lydia married a man by the name of Spencer, while Sarah E. married a man by the name of Preston G. Browning. I will ask you to examine the records of these dates above referred to and see whether or not they show that

21-Levi C. Flint et al.

any members of this family were admitted to citizenship or reinstated to citizenship in the Cherokee Nation? A I have examined these records from '75 to '80 and I find no record of any of those parties mentioned being admitted or readmitted. I find no records of admission of any of those parties in 1896, or '80, from '75 to '80 and 1896.

Q Well, you found no record of any of those parties being admitted at any time, but you examined those years particularly and you did not find them? A I examined those years and I find those parties not admitted. I examined the acts from 1875 to 1880 inclusive and the acts of 1896.

By the Commission: The Cherokee printed list of persons admitted or readmitted to Cherokee citizenship by the National Council and Cherokee Commissions on citizenship in the year 1880 and since that year, which list is now in possession of this Commission, has been examined for the names of the applicants in these cases, and such examination fails to disclose any of the names of the applicants.

By W. W. Hastings: The representative of the Cherokee Nation here desires to answer the objection made by counsel for the applicants and states that it is untrue that the records bear upon the face that they are carelessly kept, and said original <sup>records</sup> are hereby tendered to the Commission for its inspection, and we contend that the records show that they have been well preserved and that they have been carefully kept, that all of the laws were transcribed into them carefully, using good penmanship, and that they are properly indexed. And in answer to the second objection of counsel for the applicant it is not contended by the Cherokee Nation that these are the original acts of the National Council, but is explained by the witness on the stand that these records containing the acts of the National Council transcribed by the sworn officials of the Cherokee Nation into these books for safe preservation and only purport to be copies of the original acts. And in answer to the third objection it is contended that these books do purport to contain all of the acts of the Cherokee National Council and it is not shown by the applicants that any act of the National Council was ever passed during these dates that is not found in these books. In answer to the fourth objection it is contended that no resolution was necessary to be passed by the Cherokee National Council authenticating these acts and were transcribed under the supervision of the Principal Chief of the Cherokee Nation by sworn officers of the Cherokee Nation in whose custody they still are. In answer to the fifth objection that they are inadmissible unless the handwriting is proven, we say then that it would be necessary for all officials to live forever if that were true, because when he dies the record will die with him, and one of the main objects for keeping records is to preserve them after the death of the parties who made them.

.....



ED-Levi C. Flint et al.

The undersigned, being duly sworn, states that as stenographer  
~~to the Commission to the Five Civilized Tribes~~ he correctly reported  
the testimony and proceedings in this case, and that the foregoing  
is a true and correct transcript of his stenographic notes thereof.

.....*E. D. Flint*.....

Subscribed and sworn to before me this 1st day of June, 1903.

.....*Samuel Foreman*.....  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George L. Flint, as a citizen of the Cherokee Nation of Shawnee blood.

--|--

D E C I S I O N.

The record in this case shows that on September 13, 1900, George L. Flint appeared before this Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen of the Cherokee Nation. Thereafter, at Muskogee, Indian Territory, on February 24, 1902, further proceedings were had in the matter of said application. On May 20, 1902, the Commission rendered its decision in the matter of said application, denying said applicant, and on September 13, 1902, the same was approved by the Department. Thereafter, on April 11, 1903, the Department rescinded its decision of September 13, 1902, and returned the record in said case for further proceedings and readjudication. On April 27, 1903, the applicant and his attorney of record were notified that he would be allowed until May 23, 1903, within which to appear and give testimony relative to his right to enrollment as a citizen of the Cherokee Nation. No appearance having been made by or on behalf of said applicant, he and his attorneys of record were again notified, on August 11, 1903, that he would be allowed until September 11, 1903, within which to make such appearance. No appearance was made by or on behalf of said applicant in response to said notice. A copy of the testimony taken at Tahlequah, Indian Territory, on May 28, 1903, in the matter of the application for the enrollment of Levi C. Flint, as a citizen of the Cherokee Nation of Shawnee blood, is filed and made a part of the record in this case.

It appears from the evidence in this case that the applicant, George L. Flint, has not resided in the Cherokee Nation since 1874. His name appears upon the Registered Shawnees who removed to the Cherokee Nation prior to June 19, 1871, according to the Cherokee-Shawnee agreement approved June 9, 1869, but it does not appear upon the authenticated Cherokee tribal roll of 1880. He is also identified on the Wallace roll of Shawnee-Cherokees, on the Dickson roll of Shawnee-Cherokees, on the Cherokee-Shawnee pay roll of 1894, and on the Cherokee census roll of 1894.

It further appears that since his removal from the Cherokee Nation in 1874, he has resided in the states of Kansas, Nebraska, Wyoming and Missouri, and in the latter state continuously since 1894.

In view of the above facts, and his refusal to appear before this Commission and give further testimony, it is considered that said applicant has forfeited his rights in the Cherokee Nation, under section II, article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; ....."

It is, therefore, the opinion of this Commission that the application made for the enrollment of George L. Flint as a citizen of the Cherokee Nation of Shawnee blood, should be denied, under the provisions of the law above quoted, and that the decision of the Commission heretofore rendered on May 20, 1902, should be affirmed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED) *Tams Bixby.*

Chairman

(SIGNED) *F. B. Needles.*

Commissioner

(SIGNED) *C. R. Brookinridge.*

Commissioner

Dated at Muskogee, Indian Territory,  
this APR 22 1905

6

0316

H. DES.

RECEIVED  
FEB 6 1972

ACTING CHAIRMAN

COMMISSIONERS.  
HENRY L. DAWES,  
THOMAS DIXBY,  
THOMAS D. NEEDLES,  
C. R. BUCKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE

Muskogee, Indian Territory,

February 6th, 1902

Mr. George L. Flint,

Seneca, Missouri,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

**24th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Cherokee D-316

Register.

S

L 316

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
FEB 21 1902

*[Handwritten signature]*

COMMISSIONERS:

HENRY L. DAWES,  
JAMES BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegon I S 4/21/02

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
George L F Flint for enrollment as  
Cherokee Freedmen.

S. S. Glover

No.

62316



Mustang, Indian Territory, March 21, 1902.

E. S. Clover, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 17, enclosing certified copy of extracts from the Wallace roll and Dickson roll, which copies you desire filed with the applications for enrollment as citizens of the Cherokee Nation of Rebecca L. Laughlin et al, Cherokee D-313; Preston C. Browning et al, Cherokee D-314; Levi C. Flint, Cherokee D-315; George L. Flint, Cherokee D-316; Gertrude F. Flint, Cherokee D-317, Lydia E. Spencer, Cherokee D-311.

This paper is herewith returned to you and you are requested to have each extract from the roll certified to separately; the one certificate which you send can not be filed in six different cases.

Yours truly,

Commissioner in Charge.

Enc. 3-5

Cher. D-316.

COPY

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed, a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Dixby.*

Acting Chairman.

Enc. R-1.

Cher. D-316.

COPY.

Muskogee, Indian Territory, May 20, 1902.

George L. Flint,  
Seneca, Missouri.

Dear Sir:

There is herewith enclosed, the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in your case, is this date transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *James L. Dixby*

Acting Chairman.

Enc. D-316.  
Registered.

COPY.

Chero. D-316.

Muskogee, Indian Territory, May 20, 1902.

S. S. Clover, Esq.,  
Attorney At Law,  
Vinita, Indian Territory.

Sir:

There is herewith enclosed, the decision of the Commission to the Five Civilized Tribes in the matter of the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED), *Wm. Dixby*  
Acting Chairman.

Enc. R-152.  
Registered.

COPY.

PY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application of the said George L. Flint as a citizen of the Cherokee Nation.

Very respectfully,

(SIGNED), *Tamie Dixby.*  
Acting Chairman.

Enc. D-316.

Through the Commissioner  
of Indian Affairs.

Refer in reply to  
the following:  
Land  
31143-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of George L. Flint for enrolment as a citizen of the Cherokee Nation.

Applicant's name appears on the register of Shawnees who removed to the Cherokee Nation prior to June 10, 1871, according to the terms of the Shawnee-Cherokee agreement of June 9, 1869; it does not appear on the authenticated tribal roll of 1880, but does appear on the Wallace Roll, the Dickson Roll, and the Cherokee-Shawnee payroll of 1896. Applicant has not resided in the Cherokee Nation since about the year 1874. The Commission for this reason declined to place his name on the roll of Cherokee citizens.

The office believes the Commission's action was correct and respectfully recommends that it's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 incls.

D. C. No. 15414-1902.

L. R. S.

ITD. 5009-1902.  
5293 & 5533-1902.

55218  
468

J. P.

EAF.

DEPARTMENT OF THE INTERIOR?

~~Washington, September 13, 1902.~~

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen: 1

The Department has considered the case involving the application of George L. Flint for enrollment as a Cherokee Shawnee citizen, received with your letter of May 20, 1902, - D 316. Since the case reached the Department arguments by local attorneys for the claimant, have been filed.

It appears that Flint has not lived in the Cherokee Nation since 1870; that he was at the date of the application residing in Missouri. He is identified on the register of Shawnees who removed to said nation in accordance with the Cherokee-Shawnee agreement of June 9, 1869, but not on the 1880 roll. His name is on the Wallace roll of Shawnee Cherokees, the Dickson roll of Shawnee Cherokees, the Cherokee-Shawnee pay roll of 1896, and the Cherokee census roll of 1896. As section 21 of the act of June 28, 1898 (30 Stat., 495), provides that no person shall be enrolled who had not theretofore removed to and in good faith settled in the nation in which he claims citizenship, you rejected the application May 20, 1902.

In transmitting the case June 16, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.



- 2 -

The Department has this day disposed of several similar cases, and attention is invited to its decision in the case of Rebecca L. Laughlin et al. The Department finds no reason to disturb your decision, and it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

EMD

1 inclosure.

COPY.

Cherokee D 316.

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

*Forrest D. Smith*  
Acting Chairman.

COPY.

Cherokee D 316.

Muskogee, Indian Territory, October 6, 1902.

S. S. Clover,

Attorney for George L. Flint,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of George L. Flint for the enrollment of himself as a citizen of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

COPY.

Cherokee D 316.

Waukegon, Indian Territory, October 8, 1902.

George L. Flint,  
Smoen, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 13, 1902.

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

FHE

I.T.D. 2665-1903

3420- "

5009- "

April 11, 1903.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

September 13, 1902, the Department affirmed your decision rejecting the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation.

March 12, 1903, a motion to reopen the case was filed by the attorneys for the applicant, of which you were advised on March 23, 1903.

It appears that Flint has not resided in the Cherokee Nation since 1894; that he took his effects from the Nation when he left.

The Department sustained your decision rejecting the applicant because paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The testimony in this case was taken and your decision and that of the Department were rendered under a

-2-

different understanding of the act of June 28, 1898, from that expressed by the Department in the case of Clement G. Clarke of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903 in the Yeargain case.

The case is remanded for further proceedings and readjudication in the light of said opinion and decision, particularly as to whether the claimant has lost his citizenship in the Cherokee Nation by becoming a citizen of any other government.

The testimony and papers attached thereto are herewith inclosed, together with arguments filed by the attorneys for the applicant August 25, 1902 and September 5, 1902.

Respectfully,

(signed) Thos Ryan,  
Acting Secretary.

3 inclosures.

(COPY)

Cherokee  
R-680

Muskogee, Indian Territory, April 27, 1903

George L. Flint,  
Seneca, Missouri.

Dear Sir:

You are hereby notified that, on April 11, 1903, the Secretary of the Interior remanded, for the taking of further testimony, your application for enrollment as a citizen of the Cherokee Nation. Evidence is particularly required as to your residence in the Cherokee Nation.

You are advised that any further testimony that you may have to introduce in the matter of your application for enrollment may be presented before the Cherokee Land Office of this Commission, at Vinita, Indian Territory, on or before April 30, 1903, or at Tahlequah, Indian Territory, after May 4, or before May 23, 1903.

When you appear, please present this letter.

Respectfully,

GRS

Chairman



( COPY)

Cherokee R-680

Muskogee, Indian Territory, April 27, 1903

S. S. Clover,  
Attorney for George L. Flint,  
Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of a letter from the Secretary of the Interior, dated April 11, 1903, remanding for the purpose of taking additional testimony, the application of George L. Flint for enrollment as a citizen of the Cherokee Nation. Additional testimony is particularly required as to the residence of the applicant in the Cherokee Nation, and you are hereby notified that any further testimony that you may wish to present on behalf of the applicant in this case should be presented before the Cherokee Land Office of this Commission, at Vinita, Indian Territory, on or before April 30, 1903, or at Tahlequah, Indian Territory, after May 4, or before May 23, 1903

Respectfully

Encl-S-113

Chairman

GRS

COMMISSIONERS  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.  
W. E. STANLEY.

ALLISON I. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-680

Muskogee, Indian Territory, April 27, 1903.

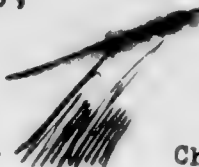
W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of a letter from the Secretary of the Interior, dated April 11, 1903, remanding, for the taking of further testimony, the application of George L. Flint for enrollment as a citizen of the Cherokee Nation.

The applicant and his attorney have, this day, been notified that any further evidence they may have to introduce in this case can be presented before the Cherokee Land Office of this Commission, at Vinita, Indian Territory, on or before April 30, 1903, or at Tahlequah, Indian Territory, after May 4, or before May 23, 1903.

Respectfully,



Chairman.

Encl-S-114

GRS

Memorandum for Mr. J. Edgar Hoover

Subject: [Illegible]

Re: [Illegible]

Reference is made to the letterhead memorandum dated [Illegible] and captioned as above, which was received from the Bureau of the Internal Security, dated [Illegible].

This case has been reviewed and approved by the Director of the Internal Security, dated [Illegible]. The Bureau of the Internal Security has been advised of the results of the investigation. Further action was taken on May 22, 1954, and the results of the investigation were reported to the Bureau of the Internal Security.

The Bureau of the Internal Security has been advised of the results of the investigation. Further action was taken on May 22, 1954, and the results of the investigation were reported to the Bureau of the Internal Security.

Very truly yours,

[Illegible Signature]

( C O P Y )

Cherokee R-680

Tahlequah , Indian Territory, August 11, 1903

Kimball and White,  
Attorneys for George L. Flint,  
Washington, D.C.

Gentlemen:

George L. Flint has this day been notified that he should appear before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before September 11, 1903, and introduce before the Commission further evidence as to whether or not he has ever voted, paid taxes, or exercised other rights of citizenship elsewhere than in the Cherokee Nation since 1874. This testimony is necessary before the record in his application will be complete.

Respectfully ,

MFH

(COPY)

Cherokee R 680

Tahlequah, Indian Territory, August 11, 1903.

George L. Flint,  
Seneca, Missouri.

Dear Sir:

You are hereby notified that further testimony should be introduced before the Commission in the matter of your application for enrollment as a Shawnee citizen of the Cherokee Nation, as to whether or not you have ever voted, paid taxes, or exercised other rights of citizenship elsewhere than in the Cherokee nation since 1874.

This testimony can be introduced before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before September 11, 1903. When you appear, please present this letter.

Respectfully,

MPM

B  
C  
J

COMMISSIONERS

TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRCKINRIDGE,  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-680

ALLISON L. AYLESWORTH,  
SECRETARY

Mc

ADDRESS ONLY THE  
COMMISSION OF THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, August 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

George L. Flint has this day been notified that he should appear before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before September 11, 1903, and introduce before the Commission further evidence as to whether or not he has ever voted, paid taxes, or exercised other rights of citizenship elsewhere than in the Cherokee Nation since 1874. This testimony is necessary before the record in his application will be complete.

Respectfully,



Clerk in Charge  
Cherokee Land Office.

Commissioner in Charge.

MM

COPY.

Cherokee B 100.

Muskogee, Indian Territory, April 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George L. Flint for enrollment as a citizen of the Cherokee Nation of Shawnee blood, including the Commission's decision dated April 22, 1905, rejecting said application.

Respectfully,

Incl. 3-7

(SIGNED)

*James Bixby*  
Chairman.

Through the

Commissioner of Indian Affairs,



COPY.

Cherokee R 600.

Muskogee, Indian Territory, April 22, 1905.

Kimball & White,

Attorneys for George L. Flint,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED,

*Jams Blxby.*

Chairman.

Incl. 6-5  
Register

COPY.

Charkee R 600.

Muskogee, Indian Territory, April 22, 1905.

George L. Flint,  
Seneca, Missouri.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C. a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-4  
Register

(SIGNED).

*Tams Birby.*  
Chairman.

8640

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

WM. O. BRALL,  
Secretary.

Cherokee R 680.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 22, 1905.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation of Shawnee blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-6



Chairman.

Refer in reply to the following:

Land.  
31917-1908.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs,  
Washington, May 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1905, transmitting the record of the application for enrollment as a citizen of the Cherokee Nation of Shawnee blood by George L. Flint.

April 22, 1905, the Commission decided adversely to the applicant.

The record shows that on May 20, 1902, the Commission rendered a decision denying this applicant and on September 13, 1902, the same was approved by the Department; that on April 11, 1903, the Department rescinded its decision and remanded the case for readjudication. The applicant was allowed from April 27, 1903, to September 11, 1903, to furnish further testimony but he has failed to do so.

It appears from the record that the applicant has not resided in the Cherokee Nation since 1874. His name appears upon the register of Shawnees who removed to the Cherokee Nation prior to June 10, 1871, but it does not appear upon the 1880 authenticated Cherokee roll. He is identified on the

Wallace and Dickson rolls, the pay roll of 1896 and Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully, ,

C. F. Larrabee

Acting Commissioner.

N.M.N.  
V.

J.P.

DEPARTMENT OF THE INTERIOR, LLB  
Washington.

I.T.D.5266-1905.

August 10, 1905.

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 22, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of George L. Flint for his enrollment as a citizen of the Cherokee Nation of Shawnee blood, including its decision of the same date rejecting said application.

Reporting May 8, 1905, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 22, 1905, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.

1 inclosure.

Cherokee R-680.

COPY.

Muskogee, Indian Territory, August 21, 1905.

George L. Flint,

Seneca, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Commissioner.

LS



COPY.

Cherokee R-680.

Muskogee, Indian Territory, August 21, 1905.

Kimball & White,

Attorneys for George L. Flint,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

*Tamoc Linby.*  
Commissioner.

LS

Incl. S- 94

REFER IN REPLY TO THE FOLLOWING:  
Cherokee R-680.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 21, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of George L. Flint as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. S-95

Commissioner.

Cher R 681

Cher R 681

Department of the Interior,  
Bureau of Indian Affairs,  
Winit, I.T., Sept. 10, 1907.

In the matter of the application of Weston M. Martin for an-  
rollment as a citizen by intermarriage, being a Cherokee, and  
by his Indian name, said, etc. to the following:

- Q What is your full name? A Weston M. Martin.  
Q How old are you? A 44.  
Q What is your last of name? A White. Ogan.  
Q In what district do you live? A Coconino.  
Q How did you want to have put on the roll? A Just my name.  
Q Are you a citizen by blood? A No, sir, by adoption.  
Q What is your marriage license?

(Applicant presents a duly attested marriage license and cer-  
tificate, the license issued by the clerk of Coconino District,  
March 2, 1894, authorizing his marriage to Miss Katie Carr, a Cherokee  
citizen, and the certificate shows that they were married by the  
clerk of said district on the 2nd day of March of this same year.  
This is filed herewith.)

Q Is your wife dead or alive? A I don't know, I haven't saw  
her in Coconino.

Q You were married in 1894? A Yes, sir.

Q You lived together for two years, did you, and then separated?

A About a year and a half.

Q Did you ever live together? A No, sir.

Q How did you leave her? A She left the first, she was having a sin  
and then I left her and gave her the place and my money and told her  
there it was, to take a living on it.

Q How old is she? A She is 41 years old, about that.

Q Is she a native Cherokee? A Yes, sir.

Q What district did she live in in 1890? A She lived in Delaware  
or Coconino, about the line between there.

Q Are you on the roll of 1896? A No, sir, I am not on any roll  
at all unless W. L. Thompson had my name put on the roll.

(1896 roll, page 221, O. 3-69, W. L. Martin, Coconino district.)

Q How about your leaving your wife? You know there is a law that  
if you abandoned her you lose your rights? A First and foremost,  
she wouldn't live with me.

Q Have you ever divorced from her? A No, sir, I never have made  
any application at all, and she and I left the place and he left the place  
place, she just wanted to visit around a long, her brother and my sisters  
for a living, and I wanted to take a place, and I started to take a  
place, and she stayed with me a while, and then she just took off  
and I wanted to leave her two or three months, and he at work on  
the place, and then she came back and she said she wouldn't live  
with me, and I told her then I would just come to court, and I just  
turned over to her the place, and on that, and every thing she had  
but my clothes, and I gave, now she is living with it, and I just  
picked up my clothes and went at the last, and I have never saw her  
but on a single time.

Q She still living on the place? A I don't know what she is  
or not.

The applicant shows that he was married in accordance with Cherokee law  
to his wife in 1894. She is identified on the roll of 1896, and  
while not identified on the present roll on the roll of 1880, her  
family are all identified. She is married to be a Cherokee  
citizen by blood and to be under age when on the roll of 1880. He  
testifies that he and his wife parted company a year and a half after  
their marriage, there has been no divorce between them, and they  
have never lived together since. In view of the doubtful circumstances

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winit, I.T., September 5, 1900.

In the matter of the application of Martin W. Martin for enrollment as a citizen by interview and his being examined by the Commission. These and other facts are as follows:

- Q. What is your full name? A. Martin W. Martin.  
Q. How old are you? A. 42.  
Q. What is your post office? A. White Oak.  
Q. In what district do you live? A. Cowasconee.  
Q. How did you come to live out on the roll? A. Just myself.  
Q. Are you a Cherokee by blood? A. No, sir, by adoption.  
Q. When did you obtain your license?

(A. I first presents a duly attested Cherokee license and certificate, the license issued by the Clerk of Cowasconee District, March 2, 1894, authorizing him to take the name of George Carr, a Cherokee citizen, and the certificate shows that they were married by the Clerk of said district on the 3rd day of March of this same year. This is filed herewith.)

Q. Is your wife dead or alive? A. I don't know, I haven't saw her in Cowasconee.

Q. You were married in 1893? A. Yes, sir.

Q. You lived together for two years, did you, and then separated?

A. A little more than half.

Q. Did you get a divorce? A. No, sir.

Q. When you leave her? A. She left the first, she was back again and then I left her and gave her the place and everything and told her there it was, to leave and live on it.

Q. How old is she? A. She is 41 years old, about that.

Q. Is she a native Cherokee? A. Yes, sir.

Q. What district did you live in in 1880? A. I lived in Delaware or Cowasconee, about the line between there.

Q. Are you on the roll of 1896? A. No, sir, I am not on any roll at all unless W. F. Thompson has my name put on the roll.

(1896 roll, page 211, No. 3460, W. F. Martin, Cowasconee Dist.)

Q. How about your leaving your wife? How long time is it that is past since you have you loved your wife? A. First and foremost, she wouldn't live with me.

Q. Have you got a divorce from her? A. No, sir, I never have made any application at all, and she went away and left me and left me on the place, she just wanted to visit around among her brothers and sisters for a living, and I wanted to take a place, and I started to look a place, and she stayed with me a while and then she just goes off and leaves me and leave me two or three months, and then she work on the place, and then she come back again and she wouldn't live with me, and I told her then she wouldn't just come to suit, and I just turned over to her the place, and on the 1st, and everything she had but my clothes, and I gave, now she is living with it, and I just picked up my clothes and went on the roll, and I have never saw her but on the roll.

Q. She still living on the roll? A. I don't know that she is or not.

The applicant above named is a white man, and he has been a citizen of the Five Civilized Tribes since he was married to his wife in 1894. He is not on the roll of 1896, and while not in 1896, he is on the roll of 1880, her family are all identified as Cherokee, and he is considered to be a Cherokee citizen by blood and is under no name on the roll of 1880. He testifies that he and his wife parted company a year and a half after their marriage, and he has no divorce between them, and they have never lived together since. In view of the doubtful circumstances

a.

10 25  
COMM-SOLO 10 10 10 10 10 10  
10 10 10 10 10 10  
SEP 10 10 10 10 10 10

Newton T. Martin - 8.

of this case, the application will be placed upon a doubtful card for further consideration, and the final decision of the Commission will be made known to the applicant at his post office address.

-----0-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of September, 1900.

J. H. L.

Commissioner.



FILED  
SEP 24 1966

THE UNIVERSITY OF CHICAGO

Statement of Applicant Taken Under Oath.

1- CHEROKEES BY BLOOD AND ADOPTION.

44 Name Newton T. Martin Date SEP 25 1900 1900.  
White Oak S.T.

District \_\_\_\_\_ Year 1896 Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood No Mother's citizenship \_\_\_\_\_

Intermarried citizen Yes

Married under what law Cherokee

Date of marriage 1896

License \_\_\_\_\_

Certificate \_\_\_\_\_

Wife's name \_\_\_\_\_

District \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_

Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License Filed

SEP 25 1900

Certificate Filed

SEP 25 1900

Names of Children:

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Marriage license & certificate attached.

FLHCC

Supl.-C.D.#400.

Department of the Interior,  
Commission to the five Civilized Tribes,  
Muskogee, I. T., February 26, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
NEWTON T. MARTIN, as a citizen of the Cherokee Nation, introduced on  
part of the Cherokee Nation:

The applicant was notified by registered letter February 10, 1902, that his case would be taken up by the Commission for final consideration on the 26th day of February, 1902. It further appears that said letter was returned to the Commission unclaimed, and that the whereabouts of said Newton T. Martin were unknown.

There is offered in evidence by the representative of the Cherokee Nation a registered letter showing that they endeavored to make proof of service on said Newton T. Martin that testimony would be introduced tending to disprove his right to enrollment as a citizen of the Cherokee Nation at the offices of the Commission at Muskogee Indian Territory, on the 26th day of February, 1902. This letter was addressed to applicant at White Oak, Indian Territory, that being the post office he gave to the Commission when the original application was made on the 25th day of September, 1900. This letter was also returned.

M. DANIELS, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HASTINGS:

- Q What is your name? A M. Daniels.  
Q Post office? A Vinita, Indian Territory.  
Q I will ask you if you tried to get, in behalf of the Cherokee Nation, a service of a notice upon Newton T. Martin whose post office was given at White Oak ~~Indian Territory~~ that testimony would be taken in his case here before the Commission to-day?  
A I did.  
Q Well, what effort did you make? A I went out to White Oak and made inquiries there at the post office from different parties and I also inquired in the neighborhood and they told me that he had not been there for three or four months; that he was in Missouri or Kansas and that there had come mail there and they could not find him.  
Q And you could not find him? A No, sir.

Mr. Hastings: The representatives of the Cherokee Nation move the Commission that they be permitted to take testimony in this case for the reasons shown in the above testimony for it has been impossible for them to serve a notice upon the applicant that testimony would be taken in this case.

Commission: In view of the facts set forth the request of the Cherokee Nation will be complied with and testimony heard.

ROSA MARTIN, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HASTINGS:

- Q What is your name? A Rosa Martin.  
Q What is your age, Mrs. Martin? A 51 years old, I was born in

Q What was your maiden name; what was your first name? A Rosa Ward.

Q Who was your first husband? A Bayless Langley.

Q When did you marry him, you remember? A No, sir; I don't remember.

Q Did you live with him until he died? A Yes, sir.

Q Who was your second husband? A Man by the name of Buchanan Gear.

Q When did you marry him, do you remember? A No, sir, I don't remember.

Q Well, was it before you married Martin? A Yes, sir.

Q You lived with him until he died? A No, sir.

Q What became of him? A He left me and went back to the State and it was reported to me that he was dead.

Q You don't know yourself? A No, sir.

Q Did you hear that report before or after you and Martin were married? A I heard it before.

Q Well, you afterwards married this a pplicant, Newton Martin?

A Yes, sir.

Q Now, how long did you live with him? A 14 months.

Q Well, tell the circumstances about the separation?

A Well, I don't hardly know whether I can or not; he just up& skipped out; just left us, that I could not stand.

Q Well, did you leave him or he leave you? A He left me.

Q Had he ever been married before? A He said he hadn't.

Q Well, when he left you where did he go to? A Up about Vinita, up in there.

Q Has he contributed anything to your support since? A No, sir, tried to take everything I had.

Q What did he take? A Sould my wagon and team and sold it: I replevied it and got it back.

Q Was your wagon and team? A Yes, sir. baught it with my strip money.

Q You never got any divorce from your <sup>second</sup> husband? A No, sir.

Q Well, did he take this wagen and team when he went to leave and left? A Yes, sir, he took the wagen and team and sold it and come back one Sunday afterwards; that was on Thursday, and then come back on Sunday afterwards and told me where it was and said that I could not get it; that I could go to Neal Ward and Neagrove and I could not get it.

Q Neal Ward was some relative of yours? A Yes, sir, he was a cousin.

Q And you afterwards replevied it? A Yes, sir.

Q Did he take any other property of yours away from there?

A No, sir, he had nothing else only a gun he bought with the strip money and then he got a piew at Turner's hardware Company and he took that off.

Q Well, the strip money was your strip money? A Yes, sir.

Q Did you have some children? A Yes, sir, had one.

Q How long had you and your second husband been separated before you married this man? A We had been separated about eight years.

Q You don't know where Martin is now? A No, sir; I haven't heard of him. He made plants after he left and said he would kill everything that drawed breath on the place and he was gone a little over a year and somebody put strychnine in the well.

Q In your well? A Yes, sir.

Q If you have anything else to say about it, say it? A That is all I believe.

Q You don't know of your own knowledge who put that strychnine in the well? A No, sir, we accused him of it.

Q You don't know it though? A No, sir; but when he come back,

he said he heard we accused him of it and I said I did accuse him of it and he denied it.

Q This man you were living with just before you married Martin, were you ~~never~~ ~~first~~ informed he was dead before you married Martin? A Yes, sir.

Q You don't know whether he ever procured a divorce from you?

A No, sir, I don't think he did.

Q Have you heard anything about him since you, since he left you?

A No, sir, I heard he was dead.

Q Have you heard the report contradicted? A No, sir.

Q Now, when you separated from your husband Martin, did he leave you or you leave him? A He left me.

Q He stated to the Commission you left him? A We never did part but once and that is when he went off and stayed.

Q He said you left him and came back and then ~~you~~ he left you and give you the place and everything on it? A No, he left me and took my wagon and team just as I tell you and sold it to John Crutchfield and Hubbard down at Iola, and then he came back; I never did leave that man in the world.

Q Did he take anything else with him? A He took everything off the place that was there.

Q Take any house hold effects? A No, sir.

Q As a matter of fact did he take anything besides this wagon and team? A Wagon and team, barb wire, but he hadn't paid for that.

Q Did he bring it all back to you himself? A No, sir.

MR. HASTINGS:

Q He didn't bring anything back? A Never brought anything back.

COMMISSION:

Q Now, didn't you leave him at all? A No, sir.

Q He stated in his application that you left him sometimes as much as two or three months, A I did not leave him a week.

Commission: In view of the fact that it has been impossible to find out the whereabouts of the applicant and therefore not possible to notify him that this case was coming up for final consideration, it is directed in view of the facts that the case be ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 1, 1902.

*J. O. Rosson*  
  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 24 1880

*[Handwritten signature]*

U. S. DEPT. OF THE INTERIOR

## Martin and Gean

Goingsnake Dist. Cherokee Nation  
I G. W. Gordon a minister of the Gospel  
hereby certify that on the 3rd day of March  
1894 I joined in Marriage Mr H. F.  
Martin a citizen of the United States  
and Mrs. Rosie <sup>Gean</sup> ~~Hard~~ a citizen of the  
Cherokee Nation agreeable to the  
authority given in the within  
License and the Customs and Laws  
of the Cherokee Nation.

Given under my hand this  
the 3rd day of March 1894.

G. W. Gordon

W. M. Wright

Clk. Goingsnake Dist. C. N.



Marriage License  
Cherokee Nation. } To any Person  
~~Gougeon & Co~~ } authorized to  
Solemnize Marriage Greeting  
You are hereby authorized to join  
in the Holy bond of Matrimony  
and to celebrate the rites and ceremonies  
of Marriage between Mr N. P. Martin  
a citizen of the United States and  
Miss Rosie Gean a citizen of the  
Cherokee Nation according to the  
usual custom and laws of the  
Cherokee Nation. You are required  
to return this License to me for  
Record within thirty days from  
the celebration of such Marriage  
with a certificate of the same appended  
thereto and signed by you -

Given under my hand and  
Seal of Office this the 2<sup>nd</sup> day of March  
A.D. 1894.

W. W. Wright  
Clerk Gougeon & Co S. N.

## MARRIAGE

## LICENSE.

Cherokee Nation,) ( To any person authorized to solemnize marriage,  
Goingsnake Dist.) Greeting:

You are hereby authorized to join in the Holy Bond of matrimony and to celebrate the rites and ceremonies of Marriage

between Mr. N. T. Martin, a citizen of the United States and Miss Rosie Gear, a citizen of the Cherokee nation, according to the usual custom and laws of the Cherokee Nation. You are required to return this license to me for record within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 2nd day of March, A.D. 1894.

(signed) W. W. Wright.  
Clerk of Goingsnake Dist.  
C. N.

## MARTIN AND GEAR.

Goingsnake Dist, Cherokee Nation.

I, G. W. Gordon a minister of the gospel hereby certify that on the 3rd day of March, 1894, I joined in marriage Mr. N. T. Martin a citizen of the United States and Miss Rosie Gear a citizen of the Cherokee Nation agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 3rd day of March 1894.

G. W. Gordon.

W. W. Wright  
Clerk Goingsnake Dist. C. N.

I, the undersigned stenographer of the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Newton T. Martin as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,  
April 20, 1892.

*W. S. Kaufman*  
Stenographer.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

299

In the matter of the application for the enrollment of  
Newton T. Martin as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on September 25, 1900, Newton T. Martin appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 26, 1902.

The evidence shows that the said Newton T. Martin was married to Rosa Gear, a citizen by blood of the Cherokee Nation, on March 3, 1894, under authority of a Cherokee marriage license. The said Rosa Gear had been previously married to one Buchanan Gear from whom she was not divorced, and it is not clearly shown that he was dead at the date of her marriage to Newton T. Martin. She is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Posey Langley, and she is also identified on the 1896 Census Roll of the Cherokee Nation.

The said Newton T. Martin is not identified on any of the tribal rolls of the Cherokee Nation in possession of this Commission.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee law."

It further appears that the said Newton T. Martin lived with Rosa Martin as his wife about two years, and then abandoned her. If rights were conferred by reason of the marriage of Newton T. Martin to Rosa Gear, the law of the Cherokee Nation found in the Compiled Laws of said nation (1892) section 667, is applicable to this case:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation."

It is, therefore the opinion of this Commission that the application for the enrollment of Newton T. Martin as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 29 1902



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....February 10th

1902

Mr. Newton T. Martin,  
White Oak, Indian Territory,

Sir:-

You are hereby notified that the application of..... yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 26th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Commissioner in Charge.

Cherokee D-400  
Register.

Yours truly,

Acting Chairman

Cherokee D 400.

Muskogee, Indian Territory, July 29, 1902.

Newton T. Martin,  
White Oak, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*J. B. Needles.*  
Commissioner in Charge.

Register.

Enc. C. No. 79.

COPY.

Cherokee D 400.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Newton I. Martin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*I. D. Needles.*

Commissioner in Charge.

Enc. C. No. 30.

COPY

Cherokee D 400.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Newton T. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*S. M. Wood*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 81.



Refer in reply to  
the following:

Lnad  
45882-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Newton T. Martin for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant was married to Rosa Gear, a citizen of the Cherokee Nation, March 3, 1894, under Cherokee laws; that said Rosa Gear had been previously married to one Buchanan Gear from whom she was not divorced, and it is not clearly shown that he was dead at the date of her marriage to Newton T. Martin. Her name appears on the 1880 authenticated roll as Rosey Langley and she is also identified on the 1896 census roll.

Martin's name does not appear on any of the tribal rolls of the Cherokee Nation, and it further appears that after living two years with his wife, he abandoned her.

The Commission refused to place the applicant's name on the Cherokee roll because of such abandonment, and because of the fact that his wife had a husband living at the time of her marriage to the applicant.

- 2 -

The office believes that the Commission was correct and  
~~respectfully recommends that its decision be approved.~~

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14484-1902.

L. R. S.

51797

EAF.

ITD. 4961-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

With your letter of July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application of Newton T. Martin for enrollment as an intermarried Cherokee citizen.

The evidence shows that applicant was in 1894 married to Rosa Gear, a Cherokee woman identified on the 1880 authenticated Cherokee roll and the 1896 census roll; that she was previously married to one Buchanan from whom she was never divorced, and it is not clearly shown that he was dead at the date of her marriage to Martin; and that Martin abandoned his said wife after living with her about two years. Martin's name is not on any Cherokee tribal roll. You refer to section 667 of the compiled laws of the nation, and deny the application because applicant abandoned his wife.

In forwarding the papers August 13th the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

COPY

Cherokee D 400.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Newton T. Martin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully, .

4, 2011.  
Acting Chairman.

COPY

Cherokee D 400.

Muskogee, Indian Territory, October 7, 1902.

Newton T. Martin,

White Oak, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Samuel H. Hixby.*  
Acting Chairman.

Boj

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-681

Muskogee, Indian Territory, November 6, 1902.

Newton T. Martin,

Whiteoak, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on March 3, 1894 to Miss Rosie Gear.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,



Acting Chairman.

Enc. M-2134

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
FEB 28 1902

*[Handwritten signature]*

RECORDED



## NOTICE!

IN THE MATTER OF the application of Newton T. Martin  
for enrollment as Cherokee citizens:

Case No. 1400

To Newton T. Martin,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. Indian Territory, on February 26th, 1902, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of February, 1902.

M. W. Hastings

Attorneys for the Cherokee Nation.

J. O. Starr

Muskogee, I.

COMMISSIONER

RECEIVED  
FEB 19 1962

Newtown

Morlan

W. L. Lutescent

Cherokee Nation

J. H.

N CD 400

119

2400

MISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
FEB 24 1902



ALTON B. BROWN

Cher R 682

Cher R 682

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., September 24, 1900.

In the matter of the application of Jessica Bird Niven for the enrollment of herself and children as Cherokees by blood: being sworn and examined by Commissioner Breckenridge, she testified as follows:

- Q Give me your full name? A Jessica Bird Niven.
- Q How old are you? A I am 34.
- Q What is your post office? A My post office at present is Vinita.
- Q In what district do you live? A I am living with Mrs. Anderson.
- Q In Cooweescookee district? A Yes, sir.
- Q Who is it you wish to have put on the roll? A I wish to have myself and my two children.
- Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
- Q What proportion of Cherokee blood do you claim? A  $1/4$ .
- Q How long have you lived in the Cherokee Nation? A I have lived here ~~xxxxxx~~ time and again once in a while, but I haven't lived here all the time, I was married in California and I have no residence, my ~~xxxxxx~~ husband is a mining expert and we go from one place to another; I am at present in Alaska; I was born in Texas.
- Q Have you ever been recognized as a citizen of the Cherokee Nation?
- A Yes, sir, I have; I am on either three or two rolls.
- Q Have you ever been admitted to citizenship by the Cherokee Commission? A Yes, sir.
- Q Have you a certificate of your admission? A Yes, sir, I have, but I haven't it here, I think Claud Washburn has it, I have written to him and he says he is sick at present so he couldn't come up.
- Q Do you remember what year you were admitted in? A I think it was in 1897 once, and another time; I was on the last roll; my two children were admitted on the last roll, and on the 1897 I think.
- Q What is your father's name? A My father's name is Andrew Jackson Ridge.
- Q Cherokee or white man? A He is a Cherokee.
- Q Dead or alive? A He is dead.
- Q How long has he been dead? A He died the 17th of last month.
- Q Give me your mother's name? A My mother's name is Helen C. Doon, that was her maiden name.
- Q Cherokee or white woman? A White woman.
- Q She is dead or alive? A She is dead.
- Q What was your full maiden name? A Jessica Bird Ridge, but since I have married I have dropped the "B" and just use the "R".
- Q Have you a marriage certificate or license? A Not in the Cherokee Nation.
- Q Have you any? A Yes, sir, I haven't it here because I didn't know it was necessary, I can send and get it, but I am now wishing to enroll my husband because he has never been married by Cherokee law.
- Q You married some ten years ago, you state? A I married in 1887, June 16; I have been married 14 years last June, I was married in 1886.
- Q Tell me as briefly as you can where you have lived since your marriage? A I have lived in California, Oregon, Colorado, New Mexico, and Alaska twice, and then back to California again and back to Alaska, and then out here; I have been in all these places since I have been married.
- Q Your husband you say is a mining expert? A Yes, sir, he goes from one mine to another, and sometimes I stay at home and rent a house furnished and stay a little while, and then go off again. Now at present I have my children in school and I have been up with him in Alaska.
- Q Have you retained some interest all the time in the Cherokee

Jessica Ridge Nivens - 2.

Nation? A Yes, sir, I have, there is a lot next to Mrs. Anderson that we have, I think it is in the name of my children; and then some property down on the Spavinaw and then on Honey Creek.

Q You have kept that all the time? A Yes, sir, it has been in the family all the time.

Q Have you considered the Cherokee Nation your home the whole time?

A No, I can't say I considered it my home because I haven't considered any place my home in particular, but I haven't lived here near as much as I have other places, I have to say that.

Q Have you considered living at other places that you had permanently abandoned the Cherokee Nation, and or have you kept your political home here? A I have always really considered that this was my place, my father was always enrolled here, although he had lived at different places here.

Q You have been compelled, on account of your husband's occupation, to spend very little time in the Cherokee Nation? A Yes, sir, and probably unless he changes I will have to spend very little time here unless I come here and stay and put the children in school.

Q Where are the children now? A In Berkeley, California in school.

Q Were they born in California? A Yes, sir.

Q Have they ever been to the Cherokee Nation? A Yes, sir, they have both been to the Cherokee Nation.

Q Give me the names of your children, please? A My little girl is named Helen Elizabeth Nivens.

Q How old is that child? A She is 12 years old the 28th of last February.

Q The next child, please? A Archibald Ridge Nivens.

Q How old is that child? A 9 years old.

Q That is all, is it? A Yes, sir.

Q Both living, are they? A Yes, sir.

(Jessica Ridge Nivens on 1896 rolls, page 511, No. 2278, Jesse B. Ridge Nivens, Delaware district. Helen E. Nivens on 1896 roll, page 511, No. 2280, Delaware district. Archibald R. Nivens on 1896 roll, page 511, No. 2281, Delaware district.)

Q How long have you owned farming property here? A We have had the property on the river down here, that has been in the family since our grandfather first came here, it wasn't made over to my family and that branch of the family, it has been in Hubert's family for and they made it over to my father.

Q How long have you and your husband owned property distinctly in the Cherokee Nation? A I have never owned any distinctly to myself, only my children have some.

Q It has been an undivided interest? A Yes, sir; there are a great many Cherokees that have no property at all, you know.

Q Have you drawn rents from that property in the Cherokee Nation in the last seven or eight years? A I have drawn money, I have drawn payments.

Q I am talking about rents from farm lands? A No, I haven't.

Q You haven't had property that has yielded you an income? A No, I haven't.

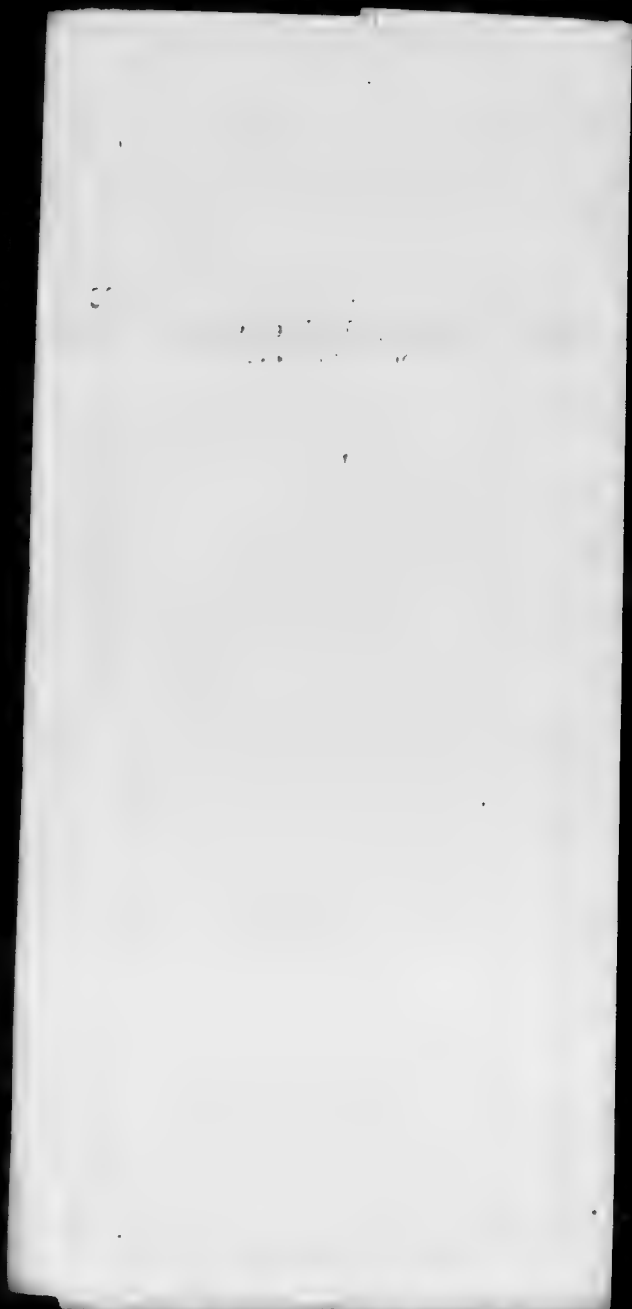
Q You state that you have had property rights all the time in the Cherokee Nation in an undivided estate? A Yes, sir.

Q Have you been in the Cherokee Nation any since December 4, 1894, or were you here at that time? A I was here I think at the time that I was enrolled; I was here.

Q That was to get your stamp money? A Yes, sir, I was here at that time and I got my money and the children's.

Q Did you stay here any length of time? A Yes, sir, I stayed a little while.

Q Then when did you come back again? A I have come back now is the only time I have come back.





Jessie Hilda Hivens - 2.

The applicant applies for the enrollment of herself and two children. She states that she was admitted by the Cherokee Commission in 1887, she is identified on the roll of 1896 as a native Cherokee, she states that her husband is a mining engineer and the character of his business leads him to different localities and does not permit of a permanent domicile, but that she has always considered the Cherokee Nation as her home. Reference is made to the testimony for details in this regard. The application for her enrollment will be taken under advisement, and for the present will be placed upon a white card for the consideration of the full Commission. She is desired to supply the Commission with an official copy of the act of the Cherokee Commission admitting her to citizenship in 1887. Her two children are identified with her on the roll of 1896, they both were born since her admission to Cherokee citizenship, they are both living at this time, and they will be listed with their mother upon a white card for further consideration of their status. The final decision of the Commission will be communicated to the applicant at her post office address.

James G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

James G. Jones

Subscribed before me this the 24th of September, 1900.

Commissioner.

24  
B-  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 24 1900

*[Signature]*

ACTING CHIEF.

44

11

11

11

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 2 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law

License Certificate

Wife's name Jessica R. Nivens, Vinita, I.T.

District DELAWARE Year 1896 Page 311 No. 2279

Citizen by blood Yes. 4 admitted 1887. Mother's citizenship Andrew Ridge - c - d

Intermarried citizen No. Helen C. - w - e

Married under what law No. Date of marriage 1886

License Certificate

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
2	Helen C. Nivens	DELAWARE	1896	311	228	12
3	Archibald R. " "	"	"	511	228	9
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

1 On 1896 Roll as Jesse R. Ridge Nivens  
 2 Cert. of admission of No. 1 to be supplied.

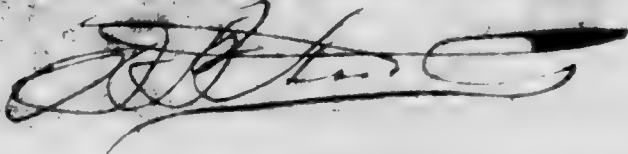
W.H.C.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, D. C., February 26, 1902.

In the matter of the application of Jessica E. Stevens, for the  
enrollment of herself and children as citizens of the Cherokee  
Nation:

The applicant was notified by registered letter on February 10, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation, would be taken up by the Commission for final consideration on February 26, 1902, and that she could on said date appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

Applicant having been called three times this day, to-wit: the 26th day of February, 1902, and failing to respond either in person or by attorney, the case is ordered closed and reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jessica R. Nivens for  
the enrollment of herself and her two minor children Helen E. and  
Archibald R. Nivens as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on September 24, 1900, the applicant, Jessica R. Nivens, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of herself and her two minor children, Helen E. and Archibald R. Nivens as citizens by blood of the Cherokee Nation. It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that Jessica R. Nivens was readmitted to citizenship in the Cherokee Nation on April 7, 1887 and that she has not removed to and in good faith settled in the Cherokee Nation or Indian Territory since date of her readmission to citizenship. She is identified on the 1878 census roll of the Cherokee Nation, page 511, No. 2279. Her minor child, Helen E. Nivens, is identified on said roll page 511, No. 2280. Her minor child, Archibald R. Nivens, is identified on said roll page, 511, No. 2281. It does not appear that either of the minor children, applicants herein, have removed to and in good faith settled in the Cherokee Nation or Indian Territory.

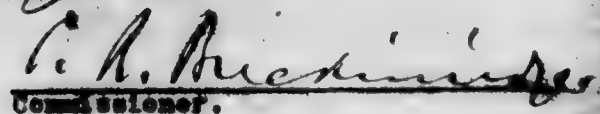
The authority of the Commission herein is defined in Par. 9, Sec. 21, of the act of Congress, June 28, 1898 (30 Stats., 495):

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that  
Josiah R. Nivens, Helen E. Nivens and Archibald R. Nivens are not  
lawfully entitled to be enrolled as members by blood of the Cherokee  
Tribe of Indians in Indian Territory and that the application for  
their enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

Muskogee, Indian Territory,

this MAY 20 1902

24

House of Representatives

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
F I L E D  
OCT 27 1900

  
A. J. CHAMBERLAIN



# Certificate of Admission to Cherokee Citizenship

OFFICE OF COMMISSION ON CITIZENSHIP,  
TAHLEQUAH, CHEROKEE NATION.

To all Whom it May Concern—GREETING:

This is to Certify, That the following named, to-wit:

*Jessie*  
*P. Nivens, female - age 23 years*

did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 7<sup>th</sup> day of April 1887; that the proof submitted by the above named Jessie P. Nivens in support of her said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council—and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of  
the Commission, on this the Seventh day  
of April 1887

*J. P. Asa*  
Chairman Com. on Citizenship.

ATTEST:

*Henry Eiffert*  
Clerk Com. on Citizenship.

Approved and endorsed:

*D. W. Bushyhead*  
Principal Chief C. N.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS E. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, Indian Territory, October 29th, 1900.

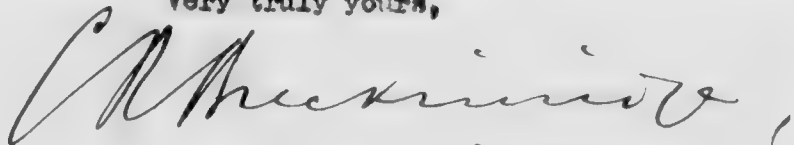
Mrs. Jessica R. Hivins,

Vinita, Indian Territory.

Dear Madam:—

Receipt is hereby acknowledged of an act of the Cherokee Commission on citizenship, re-admitting you to citizenship in the Cherokee Nation on the 7th day of April, 1887. Same being in due form it will be placed on file.

Very truly yours,



Commissioner.

9

10401

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE UN-CIVILIZED TRIBES  
**FILED**  
FEB 21 1902

*[Handwritten signature]*

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....February 10th

1902

Mrs. Jessica R. Nivens,

Vinita, Indian Territory,

Madam:-

You are hereby notified that the application of..... **yourself and two minor children**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

**26th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-401.  
Register.

Yours truly,

Acting Chairman.

7

10401

OFFICE OF THE  
COMMISSIONER TO THE AMERICAN INDIAN  
**FILED**  
JUN 28 1902

*[Handwritten signature]*

*[Vertical handwritten notes on the right margin, including "10401" and other illegible text]*

2525 Hearst Ave

Berkeley, Cal,

Feb 19 - 1902

To whom it may concern:

Mrs A. Nivens has been  
too under my care since April 1901,  
during which time I have made professional  
visit almost daily. It has not been possible  
for her to leave her home for any extended time  
nor will it be for some time in the future.

Wm Carpenter M.D.

Cher. D-401.

COPY.

Muskogee, Indian Territory, May 20, 1902.

Jessie Edgar Wivona,

Vinita, Indian Territory.

Dear:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and two children, Helen E. and Archibald R. Wivona, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

*Tams Dixby.*  
Acting Chairman.

Enc. D-401.

Registered.



COPY.

Muskogee, Indian Territory, May 30, 1903.

W. W. Hastings, Esq.,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Jessica R. Nivens for the enrollment of herself and her two children, Helen E. and Archibald R. Nivens, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED), *Tams Dixby.*  
Acting Chairman.

Enc. R-10.

COPY.

Muskogee, Indian Territory, May 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Jessica R. Nivens for the enrollment of herself and her two minor children, Helen E. and Archibald R. Nivens, as citizens of the Cherokee Nation, including the decision of the Commission dated May 30, 1902, refusing the application for the enrollment of Jessica R. Nivens et al. as citizens of the Cherokee Nation.

Very respectfully,

SIGNED: *James Bixby*

Acting Chairman.

Enc. D-401.

Through the Commissioner  
of Indian Affairs.

Refer in reply to  
the following:

Land  
31143-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Jessica R. Nivens for the enrollment of herself and her minor children, Helen E. and Archibald R., as citizens by blood of the Cherokee Nation.

It appears from the record that the principal applicant was admitted to citizenship in the Cherokee Nation April 7, 1887; that her name and that of her minor children above-mentioned appear on the 1896 Cherokee census roll; and that she has not, since the date of her admission to citizenship, removed to the Cherokee Nation with her children and settled therein in good faith.

For this reason the Commission declined to enroll the applicants. The office believes that the Commission's action was correct and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

5402  
D. C. No. 13922-1902.

L. R. S.

50109

EAF.

ITD. 5049-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 21, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On May 20, 1902, you transmitted the record in the matter of the application for enrollment of Jessica R. Nivens and her minor children, Helen E. and Archibald R. Nivens, as citizens of the Cherokee Nation.

The evidence shows that Jessica R. Nivens was readmitted to citizenship in said nation in 1887; that she has not since then removed to and settled in good faith in the Indian Territory, nor has either of her said minor children; that applicants are identified on the Cherokee census roll of 1896. On account of applicants not having resided in Indian Territory on June 28, 1898, you refused the application May 20, 1902.

The Acting Commissioner of Indian Affairs transmitted the papers August 16, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

EMD.

1 inclosure.

COPY.

Cherokee B 401.

Muskogee, Indian Territory, September 4, 1902.

Jessie R. Nivens,

Vinita, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 30, 1902, rejecting your application for the enrollment of yourself and your two minor children, Helen E. and Archibald R. Nivens, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

Acting Chairman.

Cherokee D 401.

COPY.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Jessica R. Eivens for the enrollment of herself and her two minor children, Helen E. and Archibald R. Eivens, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 21, 1902.

Respectfully,

Acting Chairman.

547

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-682

Muskogee, Indian Territory, November 8, 1902.

Jessica Ridge Nivens,

Vinita, Indian Territory.

Dear Madam:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate, showing your readmission, on April 7, 1887, to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,



Commissioner in Charge  
Acting Chairman.

Enc. M-2169



(COPY)

JP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE

I.T.D. 5049-1902  
7162-1903

April 5, 1904.

IRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 21, 1902, the Department affirmed your decision rejecting the application of Jessica R. Nivens for the enrollment of herself and her minor children, Helen E. and Archibald R. Nivens, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion, in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason to disturb its decision of August 21, 1902.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

(NFM)

COPY.

Cherokee P-1897,  
1-282.

Waskogen, Indian Territory, September 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental testimony recently taken in the matter of the application for the enrollment of Emos Q. and Harvey Martin as citizens by blood of the Cherokee Nation.

Respectfully,

Encl. 3-76.

SIGNED.

*Tama Birby.*  
Chairman.

124

10401

RECEIVED

RECEIVED

RECEIVED

24 1902



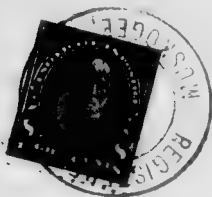
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~PAID~~

Mrs. ~~Jessica R. Nivens,~~

~~Vinita, Indian Territory~~

No 193  
1911

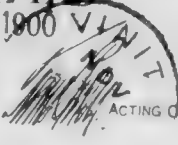
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC

1900

VINTA



ACTING CHAIRMAN

Jessica R. Nivens

Vinta, Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MAY 25 1902

Cher R 683

Cher R 683



Cherokee R-683.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application for the enrollment of  
Enos Q. Martin, as a citizen by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on September 24, 1900, Enos Q. Martin appeared before this Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 26, 1902.

On May 20, 1902, this Commission rendered its decision therein denying the application of the said Enos Q. Martin, for enrollment as a citizen by blood of the Cherokee Nation, which decision was by the Department in its letter of September 9, 1902, (I.T.D. 5054-1902), approved. Thereafter, the Department, in its letter of March 28, 1904, (I.T.D. 5054-1902, 7162-1903), at the request of the Commission, remanded this case in order that further testimony might be taken and for readjudication in accordance with the present rulings and rescinded the decision of the Department of September 9, 1902. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 16, 1904.

The evidence in this case shows that the applicant was admitted to citizenship in the Cherokee Nation, in 1890, by an Act of the Cherokee National Council, and that he is duly identified upon the Cherokee Strip Payment Roll of 1894.

It is further shown by the evidence that the applicant, since his admission to citizenship in 1890, has lived a part of the time outside the limits of Indian Territory, but it does not appear that his rights to citizenship in the Cherokee Nation have been forfeited thereby.

It is therefore the opinion of this Commission that its decision of May 20, 1902, denying the application of Enos Q. Martin, for enrollment as a citizen by blood of the Cherokee Nation, should be rescinded; and it is the further opinion of this Commission that following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-1903), Enos Q. Martin should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*John Kirby*

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

May

COMMISSIONERS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. F. STANLEY

ALLISON I. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-683

Tahlequah, Indian Territory, April 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

On March 28, 1904, the Secretary of the Interior rescinded his action of September 9, 1902, confirming the Commission's decision rejecting the application of Enos Q. Martin for enrollment as a citizen of the Cherokee Nation, Cherokee R-683 (D-410). The case has been remanded for the taking of further testimony and the applicant has this day been notified that any additional testimony he may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904.

You can, if you desire, also be present at that time and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge  
Cherokee Land Office.

MPM

MOG

COMMISSIONER

JAMES H. HASTINGS  
THOMAS B. NEEDLES  
H. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ORDER IN REPLY TO THE FOLLOWING

Cherokee R-683.

Muskogee, Indian Territory, May 25, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.


Dear Sir:

You are advised that on March 28, 1904, the approval by the Secretary of the Interior of the Commission's decision, denying the application of Enos Q. Martin for enrollment as a citizen of the Cherokee Nation, was rescinded and his application remanded to the Commission that further testimony might be taken.

The applicant has, therefore, this day been notified that if he desires to introduce further testimony in this case he may appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, for that purpose. It is particularly desired that the applicant introduce testimony as to his residence in the Cherokee Nation.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,



Chairman.

mdg

Cherokee R-683.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Enos Q. Martin for enrollment as a citizen by blood of the Cherokee Nation, which case was remanded by the Department for further testimony as to the applicant's residence, and which case was set for hearing before the Commission at Muskogee on June 17, 1904, you are advised that the applicant having failed to appear, this case has again been set for hearing before the Commission at Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and the applicant's sister, Charlotte Taylor, has this day been advised that she will be permitted to appear on that date and introduce such testimony as she may desire as to the applicant's residence. The Cherokee Nation will be permitted to appear on that date and offer such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:  
TAMM HIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

WM. O. BEALL  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

26A  
REPLY IN REPLY TO THE FOLLOWING:  
Cherokee R 683.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 5, 1906.

W. W. Hastings,

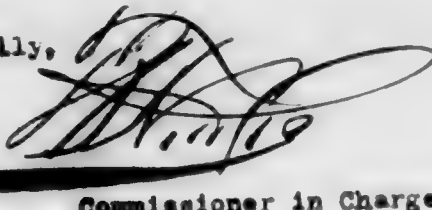
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 5, 1906, granting the application for the enrollment of Enos Q. Martin as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Commissioner in Charge.

Incl. S-121

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee R-683.

Muskogee, Indian Territory, July 12, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Enos Q. Martin as a citizen by blood of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated May 5, 1905, granting said application, was approved by the Secretary of the Interior on June 23, 1905.

Respectfully,



*Eric Q. Martin*

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP -9 1902

12 1905

COPY OF TESTIMONY FILED  
WITH THE CHEROKEE NATION.



Cher R 684

Cher R 684

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
BARTLESVILLE, I.T., OCTOBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Amanda M. Keys for the enrollment of her daughter and grand children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breakenridge, testified as follows:

Q What is your full name? A Amanda M. Keys.  
Q What is your age? A Seventy five years old.  
Q What is your Postoffice? A Oohelata.  
Q In what district do you live? A Goo-wee-soo-wee.  
Q You want to make application now for a daughter and two of her children? A Yes sir.  
Q That daughter is a confirmed invalid, is she? A Yes sir.  
Q And unable to apply for herself? A Yes sir.  
Q What is the name of this daughter of yours? A Nellie Walker Litton.  
Q How old is she? A She is thirty seven years old.  
Q When was she married? A She was married fourteen years last Christmas.  
Q About fourteen years ago? A Yes sir.  
Q Was she admitted to citizenship at the same time you were?  
A Yes sir, they made a mistake and put Willie instead of Nellie.

The applicant presents an official copy of an Act of the Cherokee Council, approved February 1st, 1888, showing that sundry persons were admitted to citizenship, and among those names, appears Willie W. Keys, or Willie N. Litton; admitted to the rights and privileges of a Cherokee citizen by blood; given as a member of the family of Richard R. Keys, and are named with the applicant, his wife.

Q Now that you say is intended for your daughter for whom you apply now? A Yes sir; and her two children: She has two children.  
Q There appears also the name of Nettie Litton: Is that one of her children? A Yes sir; her name is Nita: That was a mistake.

(This is recognized as official evidence of the facts stated)

Q How long has this daughter lived in the Cherokee Nation?  
A She came here twice to live.

Q How long has she lived here the last time? A Just a few months, and went home.

Q Is she not living in the Cherokee Nation now? A No sir, she is living in California: She can not live here: She is an invalid.

Q What is her trouble? A Female disease.

Q How long has she been living in California? A All her life.

Q She has never stayed here but a short time each time? A No sir; a few months at a time: She has a fine place well improved: She has a son that was admitted by the Council.

Q Is her husband living? A Yes sir.

Q What is his name? A Albert P. Litton.

Q Is he a citizen of the State of California? A No sir; he is a citizen of Missouri.

Q Now give me the names of these two children? A Nita Litton.

Q How old is that child? A Fourteen years old.

Q Give me the name of the next child? A Cecil S. Litton.

Q How old is that child? A Nine years old, past.

Q These children are living now, are they? A Yes sir.

Q This younger child was born since his mother was admitted?

A Yes sir.

Q These children are living with their parents in California?

A Yes sir.

Q What is your daughter's Postoffice? A Realsburg, California.

(1896 Roll, Page 201, #2907, Nita Litton, Geo. D'st)

(1896 Roll, Page 201, #2908, Cecil Litton, Geo. D'st)

(1894 Roll, Page 232, #2642, Nellie N. Litton, Geo. D'st)

Q Was this child, Cecil S. Litton born in the State of California?  
A Yes sir.

The applicant applies for the enrollment of her daughter and two grand children, children of her daughter: Her daughter is a confirmed invalid, and is in the State of California, and is unable to apply for herself. She is shown to have been admitted to Cherokee citizenship by the Cherokee Council in 1893. She is identified on the roll of 1894, but not upon the roll of 1896. The applicant states that the condition of her daughter's health has made it impossible for her to reside in the Cherokee Nation, except for two brief periods of a few months each, since her admission to citizenship: That she has maintained considerable property rights in the ~~Cherokee Nation~~ interests in the Cherokee Nation: The application for the enrollment of this daughter, Nellie W. Litton, will be taken under advisement, and will be carded at present upon a doubtful card for that purpose.

The two children are both minors: The older one, Nita Litton is shown to have been admitted to citizenship at the time of her mother's admission: This child is identified on the roll of 1896: she is living with her mother in California at this time: The question of her enrollment will be taken under advisement, and she will be listed upon a doubtful card with her mother.

The child, Cecil S. Litton is identified on the roll of 1896. He was born since the admission of his mother, and the application for her enrollment will likewise be placed upon a doubtful card for further consideration.

In connection with this case, attention is called to the Act of the Cherokee Council, approved December 4th, 1894, found on Page 128 of the first annual report of the Dawes Commission.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. A. Chavers

Subscribed and sworn to before  
me this 11th day of October, 1900.

W. H. [Signature]

COMMISSIONER.

9  
B  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 11 1900



ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION,

Date **OCT 11 1900**

1900.

Name

*Heldsburg, Cal.*

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

COOWEESCOOWEE.

2 <i>Wita Lutton</i>	Dist.	Year	Page	No.	Age
3 <i>Wita Lutton</i>	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
1 <i>Wita Lutton</i>	Dist.	Year	Page	No.	Age
2 <i>Wita Lutton</i>	Dist.	Year	Page	No.	Age
3 <i>Wita Lutton</i>	Dist.	Year	Page	No.	Age

*Wita*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory, March 1, 1902.

In the matter of the application of Amanda Keys, for the enrollment of her daughters and grand-daughters Nellie W. Litten, Nita Litten, and Cecil B. Litten, as citizens of the Cherokee Nation :

Applicant was notified by registered letter February 12, 1902, that the application of Nellie W. Litten, and her children, to be enrolled as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by her agent Joshua Ross, of Muskogee, Indian Territory.

Is there any statement you desire to make in this case ?

Mr. Ross: No sir, you have everything. She sent me this certificate.

There is offered in evidence by the agent of the applicant, a copy of Senate Bill No. 17, showing that Amanda Keys was admitted to citizenship in the Cherokee Nation by the Cherokee National Council on the 1st day of February, 1888. The same is filed herewith.

Do you submit the case in behalf of the applicants ?

Mr. Ross: Yes sir.

The agent for the applicants and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

-----

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

*H. C. Bagwell*

Subscribed and sworn to before me this March 4, 1902.

*M. D. Green*  
*M. D.*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory, March 1, 1902.

In the matter of the application of Amanda Keys, for the enrollment of her daughters and grand-daughters Nellie W. Litton, Nita Litton, and Cecil B. Litton, as citizens of the Cherokee Nation :

Applicant was notified by registered letter February 12, 1902, that the application of Nellie W. Litton, and her children, to be enrolled as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by her agent Joshua Ross, of Muskogee, Indian Territory.

Is there any statement you desire to make in this case ?

Mr. Ross: No sir, you have everything. She sent me this certificate.

There is offered in evidence by the agent of the applicant, a copy of Senate Bill No. 17, showing that Amanda Keys was admitted to citizenship in the Cherokee Nation by the Cherokee National Council on the 1st day of February, 1888. The same is filed herewith.

Do you submit the case in behalf of the applicants ?

Mr. Ross: Yes sir.

The agent for the applicants and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

-----

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

*E. C. Bagwell*

Subscribed and sworn to before me this March 4, 1902.

*W. D. Green*  
*MA*

Commissioner.



Cherokee D 569

Laws of the Cherokee Nation, Extra session Feby 1888.

Senate Bill No 17.

An act admitting parties therein named to Cherokee Citizenship.

Be it enacted by the National Council: That the following named parties To Wit: Sarah Smith, Fannie Hamton, Frederick Beck, Occola Allen, Zoe May Hamton, Grand Children of Mrs. Martha Bech as Cherokees by blood, also Fannie Eliza Hamton, also the family of Richard Riley Keys: I, R. R. Keys 2nd Amanda Keys, 3rd Samuel H. Keys 4th George Edward Keys 5th Willie W. Keys, or Willie N. Litton, 6th Nettie Litton, Also John Parker Collins. Also James D. Mulkey, Anna Cora Mulkey, Alonzo Spenger Mulkey, Charles Alva Mulkey, Lewis Mulkey, Jonathan D. Mulkey, Eliza Jane Mulkey, Rose E. Mulkey, Willie Ross Mulkey, also Joel Ellis Heldebrand, also W. D. Thompson, Exa Thompson, Hichs Ellington Thompson, be and they are hereby admitted to all the rights and privileges of Cherokee citizenship by blood.

Passed Senate Jan. 28 1888.

M. Daniels,  
Clerk Senate.

Lacy Hawkins,  
President Senate.

Concurred in by the house this Feb. 1st; 1888.

R. B. Choate,  
Clerk Council

Robert Meigs,  
Speaker Council.

Approved, J. B. Mayes, Principal Chief.  
Feb. 1st, 1888.

( S E A L )

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of laws passed by the National Council and approved by the principal Chief in the year of 1888. on file in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation the 6 day of Oct. October 1900.

B. W. Alberty,  
Asst. Ex. Sec.

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy on file in this office.

*Ella Mieland*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES. H.A.L.

In the matter of the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her grandchildren, Nita and Cecil S. Litton, as citizens of the Cherokee Nation.

DECISION.

--O--

The record in this case shows that on October 11, 1900, Amanda M. Keys appeared before the Commission at Bartlesville, Indian Territory, and then and there made application for the enrollment of her daughter, Nellie W. Litton, and her two grandchildren, Nita and Cecil S. Litton as citizens of the Cherokee Nation? Thereafter, on March 1, 1902, at Muskogee, Indian Territory, further proceedings in the matter of this application were had.

It appears from the evidence in this case that Nellie W. Litton and her daughter, Nita Litton, were re-admitted, with others, to all the rights and privileges of Cherokee citizenship by blood, by an Act of the National Council of the Cherokee Nation on February 1, 1888. By some mistake the name of Nellie W. Litton was written "Willie W. Keys or Willie N. Litton", in that Act and the name of Nita Litton was therein written "Nettie Litton."

It further appears from the evidence that Nellie W. Litton is a confirmed invalid and has lived all of her life in California except for two short periods. The two children of Nellie W. Litton, Nita, and Cecil S. Litton, have lived in California with their parents.

Nellie W. Litton is identified on the Cherokee Strip Payment roll of 1894 as "Nellie N. Litton." Her two children, Nita and Cecil S. Litton are identified on the Cherokee census roll of 1896, the name of Nita there appearing as "Mitta." Both children are also identified on the Cherokee Strip Payment roll of 1894, the name of Nita there appearing as "Jamita." It appears from the evidence that

neither Nellie W. Litton nor either of her children, Nita and Cecil S. Litton, removed to and in good faith settled in the Cherokee Nation prior to June 28, 1898.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: . . . ."

It is therefore the opinion of this Commission that Nellie W. Litton, Nita Litton, and Cecil S. Litton are not lawfully entitled to be enrolled as citizens by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed, Tams Bixby,  
Acting Chairman.

Signed, T. E. Needles,  
Commissioner,

Signed, C. R. Breckinridge,  
Commissioner.

Muskogee, Indian Territory,  
this Jul 29 1902.

Cherokee  
R - 684

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I. T. June 1, 1904.

In the matter of the application of WELLYN W. LITTON for the enrollment of herself and her children Wita and Cecil S. Litton as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicant represented by her attorney, James A. Veasey  
Cherokee Nation by its representative, W.W. Hastings.

AMANDA M. KEYS being first duly sworn and examined, testified as follows:-

By the Commission.

- Q What is your name? A. Amanda M. Keys.  
Q How old are you? A. Nearly 76.  
Q What is your post office address? A. Bartlesville.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q By blood? A No, sir.  
Q By intermarriage? A Yes, sir.

By Mr. Veasey:

- Q When were you admitted as a citizen of the Cherokee Nation, Mrs. Keys? A. 1880.  
Q Where were you living at the time? A. In California.  
Q You were living with your husband at the time? A Yes, my husband and children.  
Q And he was admitted as a citizen at that time? A Yes, sir-the boy was not born then, but he was admitted afterwards, after the Council.  
Q When did you return to the Indian Territory? Shortly after your admission as a citizen? A. It was scarcely a year, about a year perhaps. Just as soon as we could arrange our business and come.  
Q This daughter of yours, Wellyn W. Litton, she was admitted at the same time? A Yes, sir, and my two sons.  
Q When did she first return to the Indian Territory? A Well it was about the time of the strip payment - just before the strip payment.  
Q You recollect the year in which that strip payment was made? A No, sir. It is known by everybody, it was a matter of public interest.  
Q Did she bring these two children with her in 1884? A Yes, sir she brought her two children with her.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I. T. June 1, 1904.

In the matter of the application of WILLIE W. LITTON for the enrollment of herself and her children Nita and Cecil S. Litton as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicant represented by her attorney, James A. Veasey  
Cherokee Nation by its representative, W.W. Hastings.

AMANDA M. KEYS being first duly sworn and examined, testified as follows:-

By the Commission.

- Q What is your name? A. Amanda M. Keys.  
Q How old are you? A. Nearly 76.  
Q What is your post office address? A Bartlesville.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q By blood? A No, sir.  
Q By intermarriage? A Yes, sir.

By Mr. Veasey:

- Q When were you admitted as a citizen of the Cherokee Nation, Mrs. Keys? A. 1880.  
Q Where were you living at the time? A. In California.  
Q You were living with your husband at the time? A Yes, my husband and children.  
Q And he was admitted as a citizen at that time? A Yes, sir-the boy was not born then, but he was admitted afterwards, after the Council.  
Q When did you return to the Indian Territory? Shortly after your admission as a citizen? A. It was scarcely a year, about a year perhaps. Just as soon as we could arrange our business and come.  
Q This daughter of yours, Willie W. Litton, she was admitted at the same time? A Yes, sir, and my two sons.  
Q When did she first return to the Indian Territory? A Well it was about the time of the strip payment - just before the strip payment.  
Q You recollect the year in which that strip payment was made? A No, sir. It is known by everybody, it was a matter of public interest.  
Q Did she bring these two children with her in 1884? A Yes, sir she brought her two children with her.

Q If you know, state whether or not she came here to make the Indian Territory her residence?

By the Cherokee Nation: We object to her stating that.

A Yes, we expected to make this home, as soon as we could arrange matters.

Q What did she do at that time towards making the Indian Territory her home? A She arranged to have a place made.

Q Was her husband with her? A Yes, her husband and two children.

Q You say, she arranged to have a place made? A She bought the wire and posts, they intended to stay and make their residence here.

Q Did she direct anyone to put that wire and posts about a particular place? A Yes, sir - she directed her father to attend to it, or have it done.

Q Who ordered these wire and posts if you know? A I don't know who bought it.

Q It was paid for with her money? A Yes, sir.

Q What money, do you know? A No, I don't.

Q Did she buy the personal property? Did she buy any personal property at that time? A. Any personal property?

Q Yes, other than these improvements? A Yes, she bought some cattle and a horse.

Q Was that place improved for her by anyone? A I don't know.

Q By her father? Yes, sir.

Q In the mean time, she was compelled to return to California, on account of her health? A. Yes, sir her health

By the Cherokee nation: Objected to - affidavit of her health was filed, that would be better testimony.

By the Commission: Objection noted.

Q How long did she live in the Indian Territory on this occasion?  
A She came here the first of June and went away the 1st of September, last of September, I think so. I don't exactly remember.

Q Was the improvement of this place of hers begun while she was in the Indian Territory? A Just a short time after she had left.

Q But she had purchased the wire? A. Yes, sir - the wire and posts-

Q Also this personal property? A -Yes, sir.

Q This horse and cattle? A Yes, sir.

Q She left these things here, did she, these cattle and horses? A Yes, sir.

Q Who had possession of this place, improved by Mr. Keys for her, if anyone, who had possession of it? A Man by the name of Duncan rented it from Mr. Keys, for his daughter.

Q Has Mrs. Litten returned to the Territory since this time, this first time? A. Yes, sir.



Q When was that, if you know? A I don't exactly remember, I think two years afterwards.

Q Two years afterwards? Did she bring her children with her on this occasion? A Yes, sir.

Q She expressed any intention, did she, of remaining in the Indian Territory? A Yes, sir. She said if her health would permit of it, both these two times she came to the Territory.

Q Was there any additional improvements made on this place of hers.

A Tenant houses put there and some other little improvements.

Q Was the place in cultivation? A Yes, sir, it was in cultivation.

Q Now, if you know how many acres were embraced in this -

A I think there were 100 acres plowed, put in cultivation. I think that was what it was.

Q That was completely enclosed, fenced? A Yes, sir, by a wire fence.

Q During her absence, did she leave with you these cattle and horses? A Yes, sir,

Q Still in your possession? A Still in my possession.

Q Did she move on to this place on the occasion of her second visit to the Territory? A. No, sir - she was compelled to - she was not able to stay there.

Q Was it still in the possession of someone else? A. Yes, rented to this man, Duncan.

Q How long did she remain in the Territory on this occasion

A She came in December, I think, went away towards the last of April, or middle.

Q Was her husband with her on this occasion? A. No, her children came though.

Q Do you know why he did not come here on this occasion? A Because he could not leave his business, had not arranged.

Q Do you know his intention with regard to settling in the Territory, making their home here? A. Well I don't remember, of course he intended to if his wife came, he would.

Q What time of that year did she return to California. A The last time - well it was not until the middle or last of April I cannot remember dates you know.

Q And you say it was due to the state of her health she returned?

A Yes, sir.

Q Has she returned to the Territory at any time since this last occasion? A No, sir, she could not. Her health.

Q Do you know the state of her health since that time?

By the Cherokee Nation:

Q Have you seen her since that time? A. No, sir.

Cherokee Nation offers objection as not competent-

By Mr. Veasey:

Q She still owned this place, the place you have here? A. No, sir she was thrown off the roll and I had to sell the improvements. 80 acres was filed on, someone filed on it, by the name of Bean, on one forty, and I don't know who the other - she was thrown off the roll -

Q What do you mean by "thrown off the roll"? A When the decision was made against her. She owned these improvements up to this time.

Q You sold the improvements after that decision was rendered?

A Yes, sir, afterward, I held as long as I could.

Q This personal property, cattle and horse, how long did she retain her ownership?



A I sold her henges and the cattle about a year ago.  
 Q At her direction? A Yes, sir.  
 Q Did she direct you to sell the improvements also, the improvements on this place? A Yes, sir, she did. She said she could not hold it, she wanted pay for her improvements, she was allowed that.  
 Q Where is this place, if you know, Mrs. A. At Ringe.  
 Q In what direction from Ringe? A Well, really I could not tell you how far from Ringe - about a mile, a mile and a half,  
 Q How far from your place? A. It is about two or three miles, I guess. I never paid any attention to distances or anything of that kind.  
 Well now, from expressions you have heard her make, was it or is it her intention to claim the Indian Territory as her home?

By the Cherokee Nation. Objected to as being immaterial and incompetent.

By the Commission: Objection noted.

A I have not seen her, but she has expressed herself in her letters to me.

By the Cherokee Nation:

Q When did Mrs. Litton come to - when did Mrs. Litton go to California first, Mrs. Keys? A. She was born in California.  
 Q When did she first come back to the Cherokee Nation, if at all?  
 A She came during the Strip Payment, just before the strip payment.  
 Q Then from the date of her birth up to the time of the Cherokee strip payment in 1874, Mrs. Litton never lived in the Cherokee Nation? A. No, sir.  
 Q What was her age in 1894? She was born in '62.  
 Q She was one of the parties who was readmitted with you to citizenship in the Cherokee Nation, 1888, was she not? A Yes, sir.  
 Q From 1888, the date of your readmission, she had never been in the Cherokee Nation until 1894? A No, sir.  
 Q She came to the Cherokee Nation in '94, about the time the payment began, did she not? A. Just before.  
 Q And she remained until about the year of the Cherokee strip payment, did she not? A Yes, sir, the last of September or first of October.  
 Q The payment began the first of June, 1894 and closed the 30th of September, 1894. Now when did she come with reference to the first of June, 1894? A She came just before the strip payment. She left about the latter part of September or the first of October.  
 Q She left immediately after she drew her strip money, did she not? A. Not immediately. No.  
 Q At what point did she draw her strip money? A. Claremore.  
 Q That payment began there the 8th of July, 1894? A Yes.  
 Q How long after it did she draw? A. She went down there the 4th of July. She was there the 4th of July.  
 Q Were these children named in her application in 1894?  
 A Her daughter will be 18 the 10th of August, the boy is 18 the 17th day of last April.  
 Q From the time of Mrs. Litton's readmission up to the time she came to the Cherokee Nation in '94, she had owned no property of any kind in the Cherokee Nation, had she?  
 A No, sir, she always considered this her home.  
 Q Now when she left here in 1894, what number of cattle and horses had she? A. She had 200 cattle and 20 horses.



increase.

Q What I ask is how many she left? A She had a couple of  
Q cows, I believe, and some other cattle, and a horse.  
Q They were at your house, were they? A Yes, sir, they were  
Q there.  
Q Do you know of whom she bought that horse? A No, sir, I don't.  
Q Did you ever know of whom she bought the cattle? A No, sir  
Q not even that. I never asked who she got them from.

Q Now, you don't remember when that improvement was started  
Q you spoke of, do you Mrs. Keys? A No, sir. I don't think  
Q they were started when she left, but the wire and posts  
Q were bought.

Q Who were the improvements sold to? A I don't remember the  
Q Man's name.

Q You sold it? A My attorney attended to it.

Q Who signed the bill of sale to that improvement when you sold  
Q it? A I signed it?

Q I mean did you send the Bill of Sale to California for Mrs.  
Q Litten to sign? A I don't know.

Q Who was your attorney, Mrs. Keys? A O. W. Cleveland at Bartle  
Q ville.

Q When Mrs. Litten came to the Cherokee Nation in 1894, she was  
Q married at that time, was she not? A Yes, and had two children  
Q there was her husband living in 1894? A He was living in Cali-  
Q fornia.

Q What place, what post office? A. Ada, C. W. Co. W. Co.

Q The Post office? A. Ada, C. W. Co. W. Co.

Q They were keeping house there at that time? A. Yes.

Q Had a home? A. Yes, sir.

Q They continued to maintain that home while she was out here?  
Q Yes, sir.

Q She was simply here on a visit, was she? A No, she came with  
Q the intention of staying.

Q Did she bring her household effects? A No, sir. Of course she  
Q could not do that, that was too expensive.

Q Did she break up her home in California, and move any of her  
Q household goods from the home she was living in when Mrs.  
Q Litten came to the Indian Territory? A No, sir, she did  
Q not.

Q I will ask you when she left here the latter part of September  
Q or first part of October, if she did not return to her and  
Q her husband's home, where they had been living prior to that  
Q time, and if they have not continued living at that place  
Q from that time to the present time. A Yes, sir, they  
Q live there.

Q Was Mr. S. Litten's husband with her, with his wife and  
Q children when they came to the Cherokee Nation the first of  
Q June 1894? A Was he her husband? Of course he was.

Q Did he remain with them here until the latter part of Septem-  
Q ber or October, 1894? A Yes, sir, he did.

Q They all then returned to the State of California together then  
Q living there since that time? A Yes, sir except that she  
Q came out a second time.

Q Did the Litten family, while they were here in 1894, from  
Q January until September or October of that year, keep house  
Q in the Cherokee Nation? A No, sir.

By Mr. Venable:

Q If you know, what are the ages of those two children? A The  
Q boy was 13 the 17th day of April, 1894, and the girl was 10th of  
Q August.

Q Where were those children born if you know? A In my home  
Q in California.

- is California.  
 Q They received their strip payment, did they? A Yes, sir. They did.

By the Commission:

- Q What was the condition of Mrs. Litten's health when she went back? A It was very poor and she came very near dying.  
 Q What was the trouble? A It was female complaint and other complaints.  
 Q Was she under a doctor's care? A Yes, sir, all the time.  
 Q Is her husband living in California? A Yes. He is a farmer.  
 Q Did you have charge of this farm, this place of hers until it was sold? A Yes, sir. I had charge of it, received the rents.  
 Q Paid the rents to her? A. Yes, sir.

LEROY HAYS, being first duly sworn and examined testifies as follows:

By the Commission:

- Q What is your name? A. Hays - Leroy Hays  
 Q How old are you? A. I am 40  
 Q What is your past office address? A Bartlesville.  
 Q Are you a citizen of the Cherokee Nation? A Yes, sir.

By Mr. Vossy:

- Q Mr. Hays are you acquainted with Willie V. Litten? A Yes, sir.  
 Q Are you acquainted with these two children, Wm and Cecil?  
 A Yes, sir.  
 Q Are you related in anyway to them? A First cousin to her.  
 Q How long have you been in the Territory? A I have been born and raised here, about about 3 and a half years in California  
 Q How you acquainted with Mrs. Litten at that time, the time you were in California. A I made my home there with them, with my wife here and there.  
 Q Not even that young were you in California? A I think I was there in '04, until I am not exactly sure, I don't remember the dates exactly, but think in '04.  
 Q You were in the Territory when you were returned to the Territory, do you remember the date of your returning?  
 A No, I don't. I don't remember the date.  
 Q Can you tell with reference to the date of the strip payment?  
 A Well, it was, perhaps a month before the strip payment, the the day.  
 Q At that time, were you living in the neighborhood of your

- Q What, Mrs. Tilton? A Yes, sir.
- Q Do you know anything about Mrs. Tilton's improving a place there, or causing a place to be improved for her? A Yes, sir.
- Q Where was that place, if you know. A It was right north of old Ringo, there was a post office there once, none there now. About a mile or a mile and a half north and west of Ringo.
- Q When was that improvement made? A In '94 or '84 or '85 - '94. Let's see when was that strip payment. It was either that fall or the next year, I don't know which. The first of the next year, I don't remember.
- Q Was she here at the time, when the place was improved, when any part was improved? A I don't know as she was or not.
- Q Do you know of your personal knowledge, whether it was improved at her expense? A Yes, sir. That is, it was my understanding. It was improved at her expense.
- Q How many acres were included? A Well, I don't just know, making a rough guess I should suppose there were 125 or 50 acres in it.
- Q Who occupied that if anyone? A. Old man Duncan, at that time. He is the man who made the first improvement.
- Q What arrangements were made with Mr. Duncan? A I don't know just what his arrangements are,
- Q Was he there for himself or tenant? A He was a tenant.
- Q Do you know anything about the contracts? A No, I don't. I never did know anything particular about the contract other than Uncle Dick improved or had hired improvements made there.
- Q Do you know of your personal knowledge, whose place that was?
- A It was supposed to be hers and her children's. Yes, I know it was theirs, their place.
- Q Did they receive the rents from it? A Yes, sir. Now, here, I have gone a little too far, there might have been a lease contract.
- Q Was this man Duncan a citizen of the Cherokee Nation? A No, and Duncan probably received rents there for the first year or two.
- Q Do you know anything about her buying personal property, stock of any kind? A Only by hearsay. No, I don't. She told me she had some property there, some stock.
- Q What was the state of her health while here? A She was an invalid, you might say.
- Q Did you hear any expression from her as regards her intention to reside in the Indian Territory?
- By the Cherokee Nation: We object as being incompetent and immaterial -
- A The states she would love to live here if she could, wanted to live here.
- Q Owing to the state of her health -
- By the Cherokee Nation: I object as being incompetent immaterial and alien.
- By the Commission: Objection noted.
- Q Do you know the cause of her returning to California?
- By the Cherokee Nation: I object as being incompetent and immaterial.
- By the Commission: Objection noted.

A What was the cause of her returning to California? Well, she had two different causes. One was that their home was there at that time, they had never moved here, you know, and they were calculating to move here, and she wanted to go back and straighten up there and sell what land they had and she wanted to sell that, and another thing she was in very delicate health and she had great confidence in her physician there, she thought he could do more for her than anyone here and we could not get her to go to anyone here, to any physicians. She got very poorly before she went home, but told me she intended to come back after she got well, she was always talking of getting well like everyone else that is sick.

Q Were you in the Territory upon the occasion of her second trip to the Territory? A Yes, sir.

Q When was that, about? A I don't remember.

Q How long after her first trip? A Well it was, I would think something like two years after her first trip.

Q Were the children with her on the occasion of this 2nd trip?

A No, sir. I don't think they were. She was there at my house, and to the best of my memory, they were not with her.

Q Did she cause any further improvement to be made on this place? On the occasion of her second trip?

A Well, I could not say as to that. I don't know.

Q How long did she remain on this occasion, this 2nd trip? A I can't say as to that.

Q Do you know the state of her health at this time, how was it, was she very delicate? What was the state of her health at the time she came from California, if you know.

A Well, I don't hardly know. When I first met her, I asked how she was getting along? She said "Very nicely" she had been feeling well and thought she was going to get well. That was when she got there, or just shortly after. Then I met her afterwards and she was very delicate.

Q Did she declare in your presence on the occasion of this 2nd trip, that she had come to live, locate in the Territory?

Cherokee Nation - Object on account of being incompetent and immaterial

A She told me she would like to live here if she could. "I don't know as I am ever going to be able to live here or not, seems like the weather does not agree with me." She left me under the impression she calculated to make her home here, but I don't know.

Q Do you know why she returned to California the second time, No, I don't know exactly, I could not say any further.

By the Cherokee Nation.

Q Do you know when she was readmitted to the citizenship in the Cherokee Nation, Mr. Keys? A. They were readmitted before the strip payment.

Q Had she to your knowledge ever lived in the Cherokee Nation, prior to about the latter part of May or first of June, 1894 or had she ever been in the Cherokee nation? That is prior to that time. You remember, one relates to living, the other to being here. Living here, or had she ever been here at all prior to 1894? A Yes. When was that strip payment?

Q It was in 1894. Began in June ended the 1st of September. A She was here 2 months before that strip payment. That would have made it, she probably came here in April. She was

- only here a few months at that time, 1894.
- Q In 1894? A Yes, sir.
- Q She had not lived here and kept house here anywhere during that time she was here? A Well, not exactly. Only her parents were here and she made her home there.
- Q She had not moved her effects here? A No, sir.
- Q She had not called in any physician to treat her while here?
- A If she did, I don't remember. She had only been here a few months.
- Q She had hardly lived here long enough to become acclimated, had she? A Well I don't know, hardly how to answer. As to how many months she had been here, but as far as being acclimated to the climate, I would not hardly know how to answer that.
- Q When she left here in October, she went direct to her home, where she had been living in California, did she not? A. No, sir, I think she
- Q And where her husband had been, her home had been, prior to her coming here, and where her health had been bad prior to her coming here. A Yes, she had delicate health before she came here, but there was a physician there she had more confidence in. She believed he could help her.
- Q She had never tried this climate as a change from the California climate, prior to that. A. No.
- Q Now, you don't know whether or not the place that was reported to have been made for her, was made under lease contract or not. A No, I don't know. I could tell you what my understanding is, but I am not sure.
- Q That place was made some years after the 1894 strip payment, was it not? A Well, as I said it was made in 1894 or 95. Possibly a year afterwards.
- Q You don't remember when was the next time that she came to the Cherokee Nation after she was here in '94, did you Mr. Keys. A No, sir, I don't.
- Q Now, her husband, was here in '94, was he? A Yes, sir,
- Q But did not return to California at the same time she did? A I don't know.
- Q I will ask you if she did not take the train at Fairland and go to the town of Wagoner, she and her two children, and go north on the Katy by way of Kansas City, then over the Northern Pacific line, and her husband was not traveling with them.
- A Well, I could not say as to that. I don't remember whether they left together or not.
- Q They were keeping house and owned property in California, when you were there, prior to the Cherokee strip payment? A Yes, sir.
- Q And when she left here in '94, she left presumably to return to the home where they had been living out there? A Yes, when they went back.
- Q They have been living in California ever since that time, have they not? A Yes.
- Q Been making their home there ever since and if they intended to return here, they have never carried out their intentions, as yet, have they? A No, but that was their intentions, of course.
- Q Her husband exercises the rights of citizenship in the State of California, does he not.
- By Mr. Veasey: I object to that as being hear say, incompetent.
- By Cherokee Nation: He was there three years and a half.
- A Why I think so. Yes, sir.



By Mr. Veasey:

Q Mr. Keys are you familiar with the sale of these improvements?  
A Well, in a way I am, yes, sir.

Q Do you know when they were sold? A I don't remember just exactly the date, but I know they were sold to, but I don't remember dates.

Q Do you remember the sale of these improvements with reference to the determination of her citizenship, whether before or after. A After the Dawes Commission rejected her.

Q You know to whom the improvements were sold. A I think a man by the name of Macintosh

Q Cherokee citizen? A Yes, sir. I think that is his name.

By the Cherokee Nation:

Q You don't know anything about that of your own knowledge, you were not there in person when the sale was made? A I am quite familiar with the deal as Mr. Clevinger transacted the business and I was right there.

Q The bill of sale had been sent to California to be signed? A Yes sir. And I know the deal was made and that they disposed of the improvements.

By the Commission:

Q Did you say Mrs. Litten told you, on the occasion of her second visit she would like to live in the Territory if her health permitted her? A The occasion of her second visit, yes, sir

Q How long did she stay the second visit? A Well, I don't just remember, she might have been here a month or three months, I don't just remember.

Q She was with her mother there? A With her mother, they lived down there below C and I lived at Bartlesville I just met her a time or two. I don't just remember. I have the poorest memory in the world with reference to dates unless I make a memorandum of it.

By Mr. Veasey: The applicant offers to introduce in evidence the affidavit of C. W. Weaver, the attending physician of the applicant.

By the Cherokee Nation: We object to the introduction of the affidavit because it is immaterial, incompetent and bad because it is an ex-party statement and the representatives of the Cherokee Nation have no opportunity for cross examination of the witness.

By the Commission: The documents will be filed subject to objection.

By Mr. Veasey: The applicant further desired to offer in evidence, the affidavit of herself as to the birth of her children.

She desired further to offer in evidence the joint affidavit of Martha A. Porter and Sarah J. Sawdon as to the birth of the two children

~~Representative of the Cherokee Nation objects  
on the ground it is incompetent and immaterial.~~

The undersigned, on oath, states that as stenographer  
to the Five Civilized Tribes, she reported the testimony and proceed-  
ings in the above entitled cause, and that the foregoing is a  
correct transcript of her stenographic notes thereof.

*Veronica Wallwork*

Subscribed and sworn to before me  
this 2nd of June, 1904.

*Simon R. Wallingcraft*  
Notary Public

Cherokee R 684

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*Q.M.C.*

In the matter of the application for the enrollment of Nellie Walker Litton, et al., as citizens by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on October 11, 1900, Amanda M. Keys appeared before the Commission to the Five Civilized Tribes, at Bartlesville, Indian Territory, and made application for the enrollment of her daughter, Nellie Walker Litton, and minor grandchildren, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

The records further show that on July 29, 1902, the Commission rendered its decision in this case denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that on August 29, 1902 (I.T.D. 8003-02), said decision was duly affirmed by the Department; that thereafter, on March 5, 1904 (I.T.D. 7160-03), upon request of the Commission, the Department rescinded its said former decision, and remanded this case for further testimony and readjudication, and that on June 1, 1904, further proceedings were had in the matter of said application at Tahlequah, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood; that the applicant Nellie Walker Litton is the mother of the applicants Nita and Cecil S. Litton, and that on September 1, 1902, said applicants were aged thirty-nine, sixteen and eleven years, respectively; that on February 1, 1888, the applicants Nellie Walker and Nita Litton, were admitted to citizenship in the Cherokee Nation by the properly constituted



authorities thereof; that subsequent thereto, to-wit, on April 17, 1891, the applicant Cecil S. Litton was born, and that all the applicants herein have continuously lived in the State of California since birth.

The records of this office show that all the applicants herein are identified on the Cherokee Strip payment roll of 1894, and that the said two minor applicants are identified on the Cherokee Census roll of 1896.

**FINDINGS OF FACT AND CONCLUSION :** It is considered that the evidence in this case shows that the applicant, Nellie Walker Litton, failed to comply with the provisions of an Act of the Cherokee National Council approved December 4, 1894, which provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of the readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, that nothing in this act shall bar minors and orphans."

And that the applicants, Nita and Cecil S. Litton, were minors on September 1, 1903; that the applicant Cecil S. Litton, was born subsequent to the said Act of the Cherokee Council admitting his mother to Cherokee citizenship, and prior to her forfeiture of such citizenship; and that the application for the enrollment of said minor applicants comes within the rulings of the Department in the cases of Ora M. Camp, et al (I.T.D. 1418-03), James Hunter et al. (I.T.D. 1990 -03), Mary E. Forbes et al. (I.T.D. 7924-04), and Julia A. Moore, et al. (I.T.D. 8164-05).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Nellie Walker Litton is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied; and that in accordance with the provisions of Section Twenty-one of the Act above noted, Nita Litton and Cecil S. Litton are entitled to enrollment as citizens by blood of the Cherokee Nation and their application for enrollment as such is accordingly granted.

SIGNED: Tamc Fixby.  
COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 31 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
Nellie Walker Litton, Nita Litton and Cecil S. Litton as citizens  
by blood of the Cherokee Nation.

--:--

Cherokee R-684.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
NELLIE WALKER LITTON, ET AL., as citizens by blood of the Cherokee  
Nation, Cherokee No. R 684.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against  
so much of the decision of the Commissioner dated October 31, 1905,  
as admits Nita and Cecil S. Litton to enrollment as citizens by  
blood of the Cherokee Nation, and asks that all of the record in this  
case be forwarded to the Secretary of the Interior for review.

The testimony shows that Nellie Walker Litton, the mother, has  
been a citizen and resident of the State of California all of her  
life, about forty years, where Nita and Cecil S. Litton, the minor  
children, were born. The testimony further shows that these parties  
were admitted to citizenship on February 1, 1888, but none of them  
at any time since then ever removed to the Cherokee nation. Now  
Section 21 of the Curtis Bill provides that no person shall be en-  
rolled as a citizen of any nation unless prior to that time he has  
removed to and in good faith located in the nation in which he claims  
citizenship. Nita and Cecil S. Litton were born in the State of  
California and never at any time lived in the Cherokee Nation; they  
have no property interests here, and are in no way identified with  
the Cherokee Tribe.

We have had occasion often times to argue the last paragraph of  
the act of the Cherokee National Council approved December 4, 1894,  
and we desire to call the special attention of the Department to  
this paragraph as applied to this particular case. This act of  
December 4, 1894, requires all persons theretofore admitted to return  
within six months from the passage of the act and this is the proviso

to which attention is invited, "Provided that nothing in this act shall bar minors and orphans." We have often times argued that this clause should be construed as if it read, "Provided that nothing in this act shall bar minors who are orphans." It evidently was intended for minor orphans; it meant that and nothing more. The Cherokee Council could have meant that and nothing else. Suppose the parents of an admitted man of the age of 25 were deceased, could it be said that this language applied to an adult orphan? We think not. Neither was it intended to apply to a minor unless he was a orphan, because the residence of the minor follows that of the parent. That is law everywhere. In this case the parent, Nellie Walker Litton, came from the State of California and made application for herself and children and they were admitted to citizenship in the Cherokee Nation. This was upon the act of the parent. Since that time they have continuously lived in the State of California; never followed up their admission by residing in the Cherokee nation.

The Cherokee Constitution and the entire legislation of the Cherokee nation upon the question of citizenship always contemplated a residence in the Cherokee Nation and a connection with the Cherokee Tribe of Indians. It was never intended that any person, either adult or minor, could live without the limits of the Cherokee Nation and at the same time reap the benefits of citizenship. We cannot consent to the enrollment of these minor applicants without recording our most solemn protest, because we earnestly believe that it is in violation of both the Curtis Bill, the Cherokee Constitution and the act of the Cherokee Council approved December 4, 1894.

Respectfully submitted,

Attorney for the Cherokee Nation.

2 17569

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 24 1902

COMMISSIONERS.  
HENRY L. DAWES,  
TAMM MIXKY,  
THOMAS S. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 12, 1902.

Mrs. Amanda M. Keys,

~~Red Bank, Oklahoma,~~  
*Ochelata, I. T.*

Madam:-

You are hereby notified that the application of  
**S. Johnson** *Litton*

Nellie W., Nita, and Cecil

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on  
**1st day of March, 1902**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of act of admission.

Cherokee D-569  
Register.

Yours truly,

~~Noting Clerkman.~~

Commissioner in Charge.

D

D 569

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON TO THE FIVE CIVILIZED TRIBES

**FILED**

FEB 24 1902



ACTING CHAIRMAN



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

Musgrave L.T. 2/24/02

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Mellie W. Little et al for enrollment as  
Free men of the Cherokee Nation.

No. 618 569.

Joshua Ross  
Agent.

Cherokee D 569.

COPY.

Muskogee, Indian Territory, July 29, 1902.

Amanda M. Keys,

Ochelata, Indian Territory.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of your daughter, Nellie W. Litton, and your two grandchildren, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your agent, Joshua Ross, Muskogee, Indian Territory, a copy of the proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. F. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 46.

COPY

Muskogee, Indian Territory, July 29, 1902.

Joshua Ross,

Agent for Nellie W. Litton, et al.,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two grandchildren, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*J. C. Hodges*

Commissioner in Charge.

Register.

Enc. C. No. 47.

Curry

Cherokee D 569.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Amanda W. Keys for the enrollment of her daughter, Nellie W. Litton, and her two grandchildren, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. H. Caddles*  
Commissioner in Charge.

Enc. C. No. 48.

COPY.

Cherokee D 569.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two grandchildren, Wita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

J. P. Needles,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 49.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her grandchildren, Nita and Cecil S. Litton, as citizens of the Cherokee Nation.

It appears that Nellie W. Litton and her daughter, Nita, were re-admitted to citizenship by an act of the National Council February 1, 1888; that she (Nellie W. Litton) is a confirmed invalid and has lived all her life in California except for two short periods when she came to the Indian Territory; also that her daughter, Cecil S. Litton, has resided continuously with her mother. The names of the applicants appear upon the rolls of the Cherokee Nation.

The Commission, under date of July 29, 1902, declined to place the names of the applicants on the rolls because they has not, prior to June 28, 1898, removed to and in good faith settled in the Cherokee Nation.

The office agrees with the Commission's conclusion and respectfully recommends that it's decision be affirmed.

WCV  
D

Very respectfully,  
Your obedient servant,  
A. C. Tonner,  
Acting Commissioner.

3 inclosures.

( C O P Y )

D.C. No. 14418-1902

ITD 5003-1902

L.R.S.

51746

EAF

DEPARTMENT OF THE INTERIOR/.

Washington,

August 29, 1902

Commission to the Five Civilized Tribes,

Muskogee, I. T .

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in matter of application for enrollment of Nellie W. Litton and her children Nita and Cecil S. Litton, as citizens of the Cherokee Nation.

It is shown by the evidence that Nellie W. and Nita Litton were readmitted to Cherokee citizenship in 1888, and all the applicants are identified on certain tribal rolls of the nation; that they have lived almost continuously in the State of California, and had not on June 28, 1898, removed to and in good faith settled in the Cherokee Nation. You therefore refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 15, and recommended that your decision be approved. A copy of his letter is inclosed.

The department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary

EAD

1 inclosure



COPY.

Cherokee D 569.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two minor children, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*James H. F. H. H.*  
Acting Chairman.

COPY.

Cherokee D 569.

Muskogee, Indian Territory, September 17, 1902.

Joshua Ross,

Agent for Nellie W. Litton, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two minor children, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*James Dixby*  
Acting Chairman.

Muskogee, Indian Territory, September 17, 1902.

Amanda W. Keys,

Ochelata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of your daughter, Nellie W. Litton, and her two minor children, Nita and Cecil D. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Fame Bixby*  
Acting Chairman.

Cherokee B-684

Muskogee, Indian Territory, November 7, 1902.

Amanda M. Keys,

Ochelata, Indian Territory.

Dear Madam:-

When you applied to this Commission for the enrollment of Nettie W. Litton et al., you filed with that application certified copy of an act of the Cherokee National Council, readmitting Nettie Litton, among others, to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-144

7808-1904.

DEPARTMENT OF THE INTERIOR,

JP  
FHE  
IRS

ITD 5003-1902  
7162-1903.

WASHINGTON.

March 5, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application for the enrollment of Nellie W. Litton and her minor children, Nita and Cecil S. Litton, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that this case, among others, be remanded to you for readjudication in accordance with the ruling of the Department in the Yeargain case.

The principal applicant was admitted to citizenship in the Cherokee Nation in 1888. Said children were, at the time the testimony in this case was taken October 11, 1900, 14 and 9 years of age respectively. You stated in your decision that the principal applicant is a confirmed invalid, and has lived all her life in California, except for two short periods.

Apparently the case falls under the ruling in the Allie Williams case, but as the testimony is somewhat unsatisfactory in that it was stated that while the principal applicant had resided in California "all her life," it was stated that she came to the Cherokee Nation twice to live, and that she has in the Nation a "fine

-2-

place well improved", the decision of August 29, 1902, is hereby rescinded and the case is remanded for further testimony and for readjudication.

The testimony and papers attached thereto are inclosed herewith.

Respectfully,

---

(signed) Thos Ryan.

Acting Secretary.

1 inclosure.

D.C.9364-1904.

JP FHE LRS

I.T.D. 2197-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

MARCH 24, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Referring to Departmental letter of March 5, 1904, in the Cherokee enrollment case of Nellie W. Litton, et al., there is inclosed herewith a motion for review, received in the Department March 19, 1904, in said case.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.



Tahlequah, Indian Territory, April 28, 1904.

Amanda M. Keys,

Ochelata, Indian Territory.

Dear Madam:

On March 5, 1904, the Secretary of the Interior rescinded his action of August 29, 1902, approving the Commission's decision denying your application for the enrollment of your daughter, Nellie W. Litton, and her two children, Hita and Cecil S. Litton, as citizens of the Cherokee Nation, and remanded said case for further testimony and readjudication.

You are, therefore, hereby notified that further testimony in this case can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on May 31, 1904. Further evidence is particularly required as to residence.

Respectfully,

Chairman.

MTM

Tahlequah, Indian Territory, April 28, 1904.

Joshua Ross,

Agent for Nellie W. Litton et al.,

Muskogee, Indian Territory.

Dear Sir:

On March 5, 1904, the Secretary of the Interior rescinded his action of August 29, 1902, approving the Commission's decision denying the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and grandchildren, Nita and Cecil B. Litton, as citizens by blood of the Cherokee Nation, and remanded said case for further testimony and readjudication.

Amanda M. Keys has this day been notified that any further testimony can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on May 31, 1904. Further evidence is particularly required as to residence.

Respectfully,

Chairman.

MPM

Tahlequah, Indian Territory, April 28, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

On March 5, 1904, the Secretary of the Interior rescinded his action of August 29, 1902, approving the Commission's decision denying the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and grandchildren, Nita and Cecil B. Litton, as citizens of the Cherokee Nation, and remanded said case for further testimony and readjudication.

Amanda M. Keys has this day been notified that any further testimony in this case can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on May 31, 1904, at which time you can, if you desire, also be present and introduce testimony on behalf of the Cherokee Nation. Further evidence is particularly required as to residence.

Respectfully,

Chairman.

WFM

Muskogee, Indian Territory, October 31, 1905.

Nellie W. Litton,

Healdsburg, California.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for your enrollment, and granting the application for the enrollment of your minor children, Wita and Cecil S. Litton, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, James A. Vasey, Bartlesville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

*James Bixby.*

Commissioner.

Incl. 3-5  
Register

COPY.

Muskogee, Indian Territory, October 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Nellie Walker Litton, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

On March 5, 1904 (I.T.D. 5003-1902, 7162-1903), this case was remanded to the Commission to the Five Civilized Tribes for further testimony and readjudication.

Respectfully,

(SIGNED).

*Tame Bixby.*

Commissioner.

Incl. S-9

Through the  
Commissioner of Indian Affairs.

NEVER IN REPLY TO THE FOLLOWING:  
**Cherokee R-684.**

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

1  
Muskogee, Indian Territory, October 31, 1905,

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 3-3

  
Commissioner.

Muskogee, Indian Territory, October 31, 1906.

James A. Veasey,

Attorney for Nellie Walker Litton, et al.,

Bartlesville, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

W. H. B.

*Wm. Bixby.*  
Commissioner.

Incl. 3-7  
Register



Muskogee, Indian Territory, November 11, 1905

The Honorable,

The Secretary of the Interior:

Sir:

There is inclosed herewith protest on behalf of the Cherokee Nation against that part of the decision of the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

The record of proceedings had in the matter of the application for the enrollment of Nellie W. Litton, et al., Cherokee R 684 (D 569), including the decision of this office dated October 31, 1905, rejecting the application for the enrollment of Nellie W. Litton and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was on that date forwarded to the Department.

Respectfully, "

Through the

Commissioner of Indian Affairs

Commissioner

Incl. B-26

Land.

88483-1905.

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. November 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee nation of Nellie Walker Litton and her minor children, Nita and Cecil S. Litton.

October 31, 1905, the Commissioner decided adversely to Nellie Walker Litton and favorably to Nita and Cecil S. Litton.

The record shows that all the applicants are Cherokees by blood and that Nellie Walker Litton is the mother of Nita and Cecil S. Litton; that on September 1, 1902, the applicants were aged thirty-nine, sixteen, and eleven years, respectively; that on February 1, 1888, Nellie Walker and Nita Litton were admitted to citizenship in the Cherokee Nation by the duly constituted authorities; that subsequent thereto, on April 17, 1891, Cecil S. Litton was born and that all the applicants have continuously lived in the State of

California since their birth. All the applicants are identified on the Cherokee Strip payment roll of 1894 and the minors are identified on the Cherokee census roll of 1896. It is further shown that Nellie Walker Litton failed to comply with the provisions of the Act of the Cherokee National Council of December 4, 1894, which provides:

That all persons that have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of the readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided, that nothing in this act shall bar minors and orphans.

In view of the record and of the act of the Cherokee National Council of December 4, 1894, the approval of the Commissioner's decision adverse to Nellie Walker Litton and favorable to Nita and Cecil S. Litton is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMH-VDW

I.T.D.  
15358,  
15528-1905.

(Copy)

J.R.W.  
W.C.P.  
S.V.P.

DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,  
Washington,

December 28, 1905.

The Secretary of the Interior.

Sir:

I received by reference of December 5, 1905, the record in case of Nita and Cecil Litton, applicants for enrollment as citizens by blood of the Cherokee Nation with request for my opinion thereon.

The applicants, with their mother Nellie Walker Litton, were admitted to citizenship by the Indian authorities February 1, 1888. They have never removed to the Nation but have ever since lived in the State of California. The minors were admitted by the Commission to the Five Civilized Tribes. The Cherokee Nation protests against their admission.

For reasons stated in my opinion herewith submitted upon reference of request by the Commissioner to the Five Civilized Tribes (I.T.D. 13218, 1905) I am of opinion that applicants are barred by the provisions of the Act of June 28, 1898 (31 Stat., 503) that no person shall be enrolled who had not theretofore "removed to and in good faith settled in the Nation in which he claims citizenship" and that the protest of

the Nation should be sustained and enrollment of the applicants  
be denied.

Very respectfully,

Frank L. Campbell,

Approved: December 28, 1905,

Assistant Attorney-General.

Thos. Ryan,

Acting Secretary.

Muskegee, Indian Territory, January 3, 1906.

H. Jennings,  
Claremore, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December 26, 1905, stating that in the month of April, 1904, you "tried a case at Tahlequah, I. T. seeking to have Nellie Lytton and her minor children placed upon the rolls of the Cherokee Nation and have been waiting patiently ever since for a decision in the matter but so far have failed to receive any." You state that you have made several inquiries but have never been advised as to whether or not a decision has been rendered in said case.

In reply you are advised that on October 31, 1905, the Commissioner to the Five Civilized Tribes rendered a decision rejecting the application for the enrollment of Nellie Litton, and granting the application for the enrollment as citizens by blood of the Cherokee nation of her minor children, Nita and Cecil S. Litton, and that on the same day the decision was forwarded to the Secretary of the Interior for his review and decision. The records of this office fail to show that you have ever represented these applicants at any hearing had before the Commission to the Five Civilized Tribes in the matter of their application for enrollment, neither do the records show that any hearing was ever had in the matter of their applica-

H. Jennings-3.

tion in the month of April, 1904, as stated by you. The records do show, however, that on June 1, 1904, the last time a hearing was had in the matter of these applicants, she was represented by James A. Veasey, Attorney of Bartlesville, Indian Territory, and notice of the Commissioner's decision was forwarded to him on October 31, 1905.

In this connection you are advised that on the 2nd inst. Albert P. Litton, husband of Nellie Litton and father of Nita and Cecile S. Litton, appeared before this office and stated that he understood you had turned this case over to Mr. Veasey who is now his attorney representing him, and requested this office to notify Mr. Veasey of any further action taken in the case.

Respectfully,

GHL

Commissioner.



D. C. 808-1906.  
I.T.D. 15258, 18212-1905.  
LRS

Y. P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

January 3, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of December 28, 1905, approved, in the Cherokee enrollment case of Nellie Walker Litton, Nita Litton, and Cecil S. Litton, in which you found October 31, 1905, in favor of Nita and Cecil S. Litton and adverse to Nellie Walker Litton.

In accordance with said opinion, your decision of hereby affirmed as to Nellie Walker Litton and reversed as to the other applicants.

A copy of the letter of the Indian Office of November 14, 1905, recommending that your decision be affirmed, is inclosed.

Respectfully,

2 inclosures.

(Signed) Thos. Ryan,  
First Assistant Secretary.

Muskogee, Indian Territory, January 15, 1906.

Nellie Walker Litton,  
Care of Albert P. Litton,  
Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, denying your application for the enrollment of yourself, and granting the application for the enrollment of your children, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed as to yourself and reversed as to Nita and Cecil S. Litton, by the Secretary of the Interior on January 3, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED):

*Tame Bixby.*  
Commissioner.

Incl. S-64

COPY.

Muskogee, Indian Territory, January 15, 1906.

H. Jennings,

Attorney for Nellie Walker Litton, et al.,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 3, 1906, as to Nellie Walker Litton, and reversed as to Nita and Cecil S. Litton.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

*Tams Bixby.*  
Commissioner.

Incl. S-48

Muskogee, Indian Territory, January 15, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 3, 1906, as to Nellie Walker Litton, and reversed as to Nita and Cecil S. Litton.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED):

*Tams Bixby.*  
Commissioner.

Incl. S-49

Cherokee  
R 684

Muskogee, Indian Territory, January 20, 1906.

H. Jennings,  
Claremore, Indian Territory.

Dear Sir:

This office is in receipt of your letter of January 6, 1906, in further reference to the matter of your representing the applicants embraced in the Cherokee enrollment case of Nellie W. Litton, et al.

In reply you are advised that it appears from your letter that the reason why Mr. Veasey appears as attorney of record for the applicants in this case is due to the fact that the record of proceedings had on June 1, 1904, when Mr. Veasey appeared on behalf of the applicants did not show that he appeared for you in their behalf. You have been entered as attorney of record for these applicants, and copies of the Departmental decision in their case was forwarded to you on January 15, 1906.

A letter has been addressed to Mr. Veasey this day advising him of the facts in the case in order that he may have a clear understanding of the same.

Respectfully,

GHL

Commissioner.

Cherokee  
R 684

Muskogee, Indian Territory, January 20, 1906.

James A. Veasey,  
Bartlesville, Indian Territory.

Dear Sir:

This office is in receipt of your letter of January 8, 1906, referring to this office's recent communication addressed to H. Jennings, Claremore, Indian Territory, in reference to the attorney of record in the matter of the Cherokee enrollment case of Nellie W. Litton, et al. You state that Mr. Jennings advises you that this office informs him that you appeared with Mr. Litton and stated that Mr. Jennings had turned the citizenship case over to you, and that if such statements were made to Mr. Jennings they were in error as you have never appeared before the Commission with Mr. Litton or made such a statement in connection with said case. You state that your only connection with the citizenship case was at the time of a hearing had before the Commission when you appeared on behalf of Mr. Jennings, and you request that he be advised as to the real situation.

In reply you are advised that the letter referred to as having been addressed to Mr. Jennings by this office advised him that the records of this office failed to show that he had ever appeared before the Commission to the Five Civilized Tribes at any formal hearing had in the matter of the application for the enrollment of Nellie W. Litton, et al., as citizens by blood of the Cher-

James A. Vasey--2.

okee Nation, and that the records did show that you appeared in behalf of applicants at Tahlequah, Indian Territory, on June 1, 1904, and a copy of the Commissioner's decision was, therefore, forwarded to you. The records fails to show that you appeared at that time on behalf of Mr. Jennings, Attorney for applicants. This office did not advise Mr. Jennings that you appeared before it with Mr. Litton in connection with this case, but Mr. Litton did, however, appear before this office on January 2, 1906, and stated that Mr. Jennings no longer represented his wife and children, who are the applicants in the case of Nellie W. Litton, et al., and that he desired any further notice in connection with the case forwarded to you, of which statement Mr. Jennings was advised.

Mr. Jennings has this day been advised as to the facts in the case and that this office was in receipt of your letter stating that you do not represent and have never represented these applicants in the matter of their citizenship case except at the hearing above mentioned at which time you state you appeared on Mr. Jennings' behalf.

The records of this office have been made to show that you do not represent these applicants.

Respectfully,

GHL

Commissioner.



CHEFROU 681

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 29 1902

681

*Refused and remanded by*

MAR 5 1904

608

Cher R 685

Cher R

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Nowata, I. T., October 16, 1900.

In the matter of the application of Charles E. Shufeldt for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

- Q What is your name? A Charles E. Shufeldt.  
Q What is your age? A 25.  
Q What is your post-office address? A Lenapah.  
Q In what district do you live? A Cooweescoowee.  
Q Are you a recognized citizen of the Cherokee Nation? A I don't know.  
Q What is your blood, Shawnee? A Yes sir.  
Q What degree of Shawnee blood have you got? A I think about a quarter.  
Q Who do you want to enroll? A Myself and 2 children.  
Q What are your children's names? A Charles A. Shufeldt.  
Q How old is he? A 5 years old.  
Q What is the name of the next one? A Dora A.  
Q How old is Dora A.? A 3.  
Q What is the name of your father? A H. C. Shufeldt.  
Q Is he living? A No sir.  
Q What is the name of your mother? A Martha A. Storey now.  
Q Is she living? A Yes sir.  
Q What is the name of the mother of these children? A Lottie Well Shufeldt.  
Q Is she living? A Yes sir.  
Q Is she a white woman? A Yes sir.  
Q Have you any certificate of marriage to her? A I married in the State of Kansas. I never was married under the Cherokee law.  
Q What is your certificate of marriage? A I haven't it with me.  
Q You were married in the State of Kansas? A Yes sir.  
Q Where were these children born? A In the Cherokee Nation.  
Q How long have you been living here? A About 12 years.  
Q Where were you born? A Born in Johnson County, Kansas.  
Q When were you born? A Born in the year 1875.  
Q Your mother was admitted as a Shawnee VA Yes sir.  
Q To Cherokee citizenship December 9th, 1882, were you admitted by name? A I don't think I was.

Com'r: Applicant presents certificate of admission, being a certified act of Cherokee Council under date of December 9th 1882, admitting one Martha Shufeldt to Cherokee citizenship as a Shawnee, said act being approved by D. W. Bushyhead, Principal Chief, certified to by John L. Adair, Assistant Secretary, under the great seal of the Cherokee Nation; for further particulars as to the citizenship of Martha Shufeldt see evidence of Martha Storey given in her case of her own application.

MARTHA A. STOREY, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Martha A. Storey now.  
Q You are the identical Martha Shufeldt who was admitted to Cherokee citizenship December 9th, 1882? A Yes sir.  
Q Are you the mother of Charles E. Shufeldt? A Yes sir.  
Q What year was he born? A 1875, July 5th.  
Q That was before you were admitted? A Yes sir.  
Q His name does not appear in the list of persons? A No, they left his name out; his name was sent in.  
Q But he was living at that time? A Yes sir.  
Q Did you pay the 195 dollars for this boy, Charles E.? A I think that's what Mr. Shufeldt said, but he never got any receipt for it.  
Q You paid 195 dollars I see here for Frank, one of your sons?  
A Yes sir.

Q Was he minor at that time A He was at that time.  
Q You present here a certificate showing that 195 dollars was paid for John Shufeldt, was he a minor at that time? A Yes sir.  
Q But you present no receipt for Charles? A I thought he paid but never got any receipt.  
1896 roll examined for applicant and name not found:  
1896 roll examined for child and name not found.  
Q Charles E. don't appear to be on the roll of 1896? A They wouldn't take him on at that time, I tried to get them to and they wouldn't take him.

Q Did you ever receive Strip money for him? A Yes sir, he drew every time I did, and lots of times he drew for himself.

Cherokee-Shawnee Pay roll of 1896, Page 33, #649, Charles Shufeldt.

1896 roll, Cherokee -Shawnee pay roll examined for child and name not found.

1894 roll, Cherokee pay roll, examined, and name of applicant not found.

APPLICANT RECALLED:

Q What was your wife's maiden name? A Greggs.

Q When were you married? A In 1894.

Com'r. Needles: The name of Charles E. Shufeldt is found upon the Cherokee-Shawnee Pay roll of 1896; his name is not found upon the Cherokee Strip Payment roll of 1894; he avers that he has two children, Charles A. and Dora A., aged respectively 5 and 3 years, whose names do not appear upon the roll; he avers also that he was married to Lottie E. Greggs, a white person, in the year 1894, but presents no certificate of marriage; satisfactory proof is made that he is the son of Martha A. Storey, and claims citizenship by reason of his mother having been admitted in the year 1882; his name does not appear in the Act of the Cherokee Council presented providing for the admittance of his said mother, and her children; he avers and proves that he was born in the year 1875, and was a minor at the time of his mother's admission. Because of the doubtful character of the citizenship of his mother, as well as his own, and in view of the fact that he presents no certificate of marriage and no proof of birth as to his children, named; the name of Charles E. Shufeldt and his children will be placed upon a doubtful card, and final judgment as to their enrollment will be suspended; it will be necessary for him to present in addition a certificate of marriage to his wife, and certificates of birth as to his children, and also proof of the payment of 195 dollars required to be paid by each person who acquired Cherokee citizenship under the Treaty of 1869.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. GREEN.

Subscribed and sworn to before me this 16th day of October, 1900.

C. R. BRECKINRIDGE,  
Commissioner.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original testimony in this case.

*Wm. Hutchinson*

Subscribed and sworn to before me this 16th day of July, 1902.

*Prayer E. Jones*  
Notary Public.

(Seal)

"R"

Cherokee D-602.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Charles H. Shufeldt for the enrollment of himself and children as Cherokee citizens.

Appearances:

J. H. Keith, Coffeyville, Kansas, attorney for the applicants.

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant in this case was notified by registered letter February 13, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for consideration by the Commission on the 5th day of March, 1902, at its offices in Muskogee, I. T.; applicant this day, to-wit: 5th day of March, 1902, appears by his attorney, J. H. Keith, Coffeyville, Kansas.

By MR. KEITH: I desire to present some certificates in the matter, in the event I found that I would be unable to introduce some proof that he has paid this 195 dollars; I shall not come back for him, and I thought I would like to present these papers because I would not introduce further testimony. ( Hands papers to Commission.)

BY COMMISSION: There is offered in evidence by the attorney for the applicant a duly executed affidavits as to the birth of James Arthur Shufeldt, born on the 6th day of June, 1893, and Dora Austin Shufeldt, born 7th day of May, 1897; and same will be filed.

There is offered in evidence certified copy of marriage license issued by N. B. Light, probate judge, Chautauqua County, Kansas, on the 25th day of June, 1894, authorizing the marriage of Charles E Shufeldt of Indian Territory, and Charlotte B. Griggs, of Indian Territory, and a certificate showing that they were united in matrimony by N. B. Light, Probate Judge aforesaid, on the 25th day of June, 1894; this document will also be filed.

BY MR. KEITH: The attorney for the applicant asks a continuance of this hearing be had until the 20th day of March, 1902, for the reason that they desire to present documentary evidence and oral evidence of the payment of 195 dollars to the Cherokee Nation on behalf of said Charles H. Shufeldt; this testimony we are now unable to produce.

BY MR. HASTINGS: The representatives of the Cherokee Nation warn the applicant that he intends to object to any oral evidence being introduced as to the payment of this money.

BY COMMISSION: Request of the attorney for the applicant will be complied with, and the case continued until the 20th day of March, 1902.

-----  
I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. GREEN.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original record in this case.

Wm. Hutchinson

Subscribed and sworn to before me this 16th day of July, 1902.

(Sul)

Thomas C. Jones  
Notary Public.



To be filed in C. D-602.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., April 5, 1902.

In the matter of the application of Charles E. Shufeldt, et al,  
for enrollment as ~~citizens~~ of the Cherokee Nation.

Represented by J. H. Keith, Coffeyville, Kansas.  
-----o-----

On March 5, 1902, the applicant appeared by his attorney, and in person and introduced testimony as regards the application of Charles E. Shufeldt for the enrollment of himself and children as citizens of the Cherokee Nation, and by agreement the case was continued until April 5, 1902, for the purpose of introducing documentary evidence as to the payment of \$195.00 to the Cherokee Nation on behalf of the said Charles E. Shufeldt.

Under date of April 1, 1902, the Commission received a letter from J. H. Keith, the attorney for the applicant, stating that he was unable to procure the evidence he desired to introduce, and submit the case to the Commission for decision based upon the evidence of record.

The record in this case is now deemed completed and the same will be reported to the Commission for decision based upon the evidence of record.

-----

In the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E. C. ROTHENBERGER/

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original record in this case.

Wm Hutchinson

Subscribed and sworn to before me this 16th day of July, 1902.

(Seal)

Prince E. Jones  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Del*  
**FILED**

**OCT 16 1900**

*B*

*[Signature]*  
ACTING CHAIRMAN

25 **CHEROKEES BY BLOOD AND ADOPTION.**

Date

OCT 16 1900

1900.

Name

Charles E. Shufeldt

District

Cherokee-Shaw Pay Roll

Year 1896

Page 33

No. 649

Citizen by blood

1/4

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

1 Charles A. Shufeldt  
 2 Dora A

Dist. _____	Year <u>1896</u>	Page _____	No. _____	Age <u>5</u>
Dist. _____	Year _____	Page _____	No. _____	Age <u>3</u>
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____

1 on 1896 Cherokee, Shaw Pay Roll as Charles Shufeldt

2 and 3 Birth affidavit to be supplied

Certificate of marriage to be supplied as to marriage of Charles E. Shufeldt and John B. Shufeldt



Marriage License, Copy.

MARRIAGE LICENSE.

Chautauqua County, State of Kansas, Sedan,  
Kansas, June 25, A.D. 1894.

To any Person Authorized by Law to Perform the Marriage Ceremony,  
Greetings!

You are hereby authorized to join in Marriage Charles  
E. Shufeldt of Indian Territory, aged 18 years and Charlotte B.  
Griggs of Indian Territory aged 19 years, and of this license you  
will make due return to my office within thirty days.

(Seal) M. B. Light, Probate Judge.

STATE OF KANSAS, }  
CHAUTAUQUA COUNTY. } S. S.

I, M. B. Light do hereby certify that in accordance with  
the authorization of the within License, I did, on the 25 day of  
June A.D. 1894 at Sedan in said County, join and unite in Marriage  
the within named Charles E. Shufeldt and Charlotte B. Griggs.

Witness my Hand and Seal the day and year above written..

Attest:

M. B. Light

M. B. Light Probate Judge.

Probate Judge.

Filed this 25 day of June 1894. M. B. Light, Probate Judge.

Marriage Record "E" Page 292.

IN THE PROBATE COURT OF CHAUTAUQUA COUNTY, KANSAS:  
IN the matter of the Marriage of Charles E. Shufeldt and Charlotte B.  
Griggs.  
State of Kansas, Chautauqua County S.S.

In the undersigned sole presiding Judge of the Probate  
Court of Chautauqua County, Kansas, and ex-officio Clerk thereof, do  
hereby certify that the foregoing is a true and correct copy of  
marriage license and return thereof the said Charles E. Shufeldt and  
Charlotte B. Griggs filed in this court and entered of record there-  
in in the above entitled estate as appears from the records of said  
Probate Court.

In witness whereof I have hereunto set my hand and af-  
fixed the seal of said Probate Court this 19 day of October A.D. 1900.  
(SEAL)

H. A. Brewster, Probate Judge.

I the undersigned, Commissioner of the Cherokee Nation to the  
Five Civilized Tribes do hereby certify that the foregoing  
is a true and correct copy of the original as shown in the  
matter of the application for citizenship of Charles E. Shufeldt,  
Charles A. Shufeldt, Dora E. Shufeldt and Lattie E. Shufeldt as  
citizens of the Cherokee Nation.

Muskogee, Indian Territory,

May 12, 1902.

W. S. Kaufman

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles E., Charles A. and Dora A. Shufeldt as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 16, 1900, Charles E. Shufeldt appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself, and his two minor children, Charles A. and Dora A. Shufeldt as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Vankhogen, Indian Territory, on March 8, 1902, and on April 8, 1902.

The record in this case shows that the said Charles E. Shufeldt is of Shawnee blood, and that he is the son of Martha A. Shufeldt, who was admitted to citizenship in the Cherokee Nation on December 9, 1892, by an act of the Cherokee National Council upon condition that she pay to the Treasurer of the Cherokee Nation one hundred and ninety-five dollars. The said act of the Cherokee Nation Council included Laura Ann, John, Frank and Percy Shufeldt, children of the said Martha A. Shufeldt, and they were admitted upon the same conditions as their mother, but the name of Charles E. Shufeldt is not embraced therein, although he was living at that date. It further appears that subsequent to the date of the said act, Martha A. Shufeldt paid to the Treasurer of the Cherokee Nation the amount of money required to be paid by her, but it does not appear that Charles E. Shufeldt, or any person for him, paid this sum of one hundred and ninety five dollars or any other sum to the Treasurer of the Cherokee Nation.

The said Charles E. Shufeldt is identified on the Cherokee Shawnee Pay Roll of 1896.

It further appears that the said Charles E. Shufeldt had resided in the Cherokee Nation about twelve years next before the date of the application.

It further appears that Charles E. Shufeldt was married to his wife, Lettie B., on June 28, 1894. The two minor children Charles A. and Dora A. Shufeldt are duly identified by affidavits of birth on file with this Commission.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 455), provides:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eight, (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been



10

10602

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 24 1902



ACTING CHAIRMAN

COMMISSIONERS.  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mr. Charles E. Shufelat,

Lenapeh, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself and two minor children**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the 5 th day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of marriage to your wife Lottie Bell. Also birth affidavits for Charles A. and Dora A.

CherokeeD-602  
Register.

Yours truly,

Acting Chairman.  
~~XXXXXXXXXXXX~~  
Commissioner in Charge.

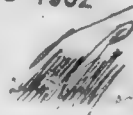
20

D.602

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 23 1902



CHAIRMAN.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Musboye & J 7/26/02

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Charles E. Schufeldt. for enrollment as  
Freedmen of the Cherokee Nation.

E. B. Lawan  
Atty.

No. 2602



Cherokee D-402.

Muskogee, Indian Territory, April 4, 1902.

R. H. Keith, Esq.,

Attorney at Law,

Coffeyville, Kansas,

Dear Sir:

The Commission is in receipt of your letter of April 1, stating that if marriage certificate and birth certificates for his children have been filed with the application for the enrollment as Freedmen Cherokee citizens of the Cherokee Nation of Charles Shufeldt et al, that you will not desire to introduce further testimony in this case on April 5, but will submit same to the Commission upon the testimony already introduced.

In reply you are advised that the marriage license and certificate and birth affidavits as to the children, have been duly filed.

Yours truly,

Acting Chairman.

COPY.

Cherokee D-602.

Muskogee, Indian Territory, July 16, 1902.

Charles E. Shufeldt,

Lenapah, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting your application for the enrollment of yourself and your two children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation.

The record of proceedings had in this case has heretofore been furnished your attorney of record, E. B. Lawson, Nowata, Indian Territory, and copy of the decision has this day been forwarded to him.

The record of proceedings had in the case, and copy of the decision of the Commission, has this day been forwarded to J. H. Keith, Geffeyville, Kansas, who also appears in the case as your attorney.

The decision, with copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Sam D. Dixon*

Register.

Acting Chairman.

Enc. B-39.

Muskogee, Indian Territory, July 18, 1902.

E. B. Lawson, Esq.,

Attorney for Charles E. Shufeldt, et al,  
Nowata, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation. Copy of the record of proceedings had in this case has heretofore been furnished you.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Inc. B-40.

COPY.

Cherokee Doc.

McAlester, Indian Territory, July 16, 1908.

J. H. Keith, Esq.,

Attorney for Charles N. Shufeldt, et al,  
Jeffersonville, Kansas.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application of Charles N. Shufeldt for the enrollment of himself and his two children, Charles A. and Vera A. Shufeldt, as citizens by Shawnee Blood of the Cherokee Nation, together with the decision of the Commission rejecting said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Samuel Gibson.

Acting Chairman.

Register.

Inc. N-41.

COPY.

Cherokee D-002.

Muskogee, Indian Territory, July 16, 1908.

V. V. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tamie Dixie*

Acting Chairman.

Inc. H-42.

COPY

Cherokee D-602.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles E. Snufeldt for the enrollment of himself and his two children, Charles A. and Dora A. Snufeldt, as citizens by Shawnee blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-43.

Refer in reply to  
the following:

(COPY)

Land  
42718--1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, July 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of Charles E. Shufeldt, for the enrollment of himself and his two children Charles A. and Dora A. Shufeldt, as Cherokee citizens of Shawnee blood.

The record in this case shows that Charles E. Shufeldt is of Shawnee blood; that he is a son of Mary E. Shufeldt who was admitted to citizenship in the Cherokee Nation December 9, 1882 by act of the Cherokee Council with provision that she pay to the Treasurer of the Cherokee Nation \$195. At the same time Martha A. Shufeldt's children, Laura Ann, John Frank and Percy, were admitted to citizenship in the Cherokee Nation upon the same condition as was their mother, but the record does not show that her child, Charles E. Shufeldt, this applicant, was admitted at said time although he was in being on that date.

The record also shows that Martha A. Shufeldt subsequently complied with the requirements of the act of admission by paying to the Treasurer of the Nation the amount specified therein, but it does not show that the sum of \$195., or any other amount, was paid to the.

Treasurer of the Cherokee Nation for the admission of Charles E. Shufeldt by his mother, himself, or any other person for him. The record further shows that the applicant has resided in the Cherokee Nation about 12 years prior to the date of his application.

In 1894 the applicant was married to Lottie B. Greggs, a white woman, and the two children above mentioned are the fruits of said marriage. The \$195. which the members of the Shufeldt family who were admitted to citizenship in the Cherokee Nation were each required to pay, is the amount per capita paid by the Shawnees who were admitted as citizens of the Cherokee Nation in accordance with the agreement between the Cherokees and the Shawnees dated June 7, 1869, and approved by the President June 9, 1869.

As it appears from the record that this applicant was never admitted to citizenship in the Cherokee Nation, and that he never made the payment required by the provisions of the agreement above mentioned, the office believes that the Commission's decision rejecting the applicants is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)



25602  
D. C. No. 13542-1902.

L. R. S.

49033

WHR.

I. T. D. 4667-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of the record in the matter of the application of Charles E. Shufeldt, for the enrollment of himself and two minor children, Charles A., and Dora A., Shufeldt, as citizens of the Cherokee Nation of Shawnee blood.

It appears from the evidence submitted that said applicant is of Shawnee blood, the son of Martha A. Shufeldt who was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, on December 9, 1882, upon the condition that she pay to the Treasurer of said Nation one hundred and ninety-five dollars (\$195.00); that said act included Laura Ann, John, Frank and Percy Shufeldt, children of said Martha A. Shufeldt, who were admitted upon the same conditions as their mother, but that the name of Charles E. Shufeldt, the applicant in this case, was not embraced in said application of his mother, although he was living at that date.

It further appears that subsequent to the date of said act, said Martha A. Shufeldt, mother of the applicant in this case, paid to the Treasurer of said Nation, such sum as was required to be paid by her, but that it does not appear that said Charles E. Shufeldt, the present applicant, or any person in his behalf, paid this sum of

one hundred and ninety-five dollars (\$195.00), as required by said act.

You held, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), that while the name of said applicant appears upon the Cherokee Shawnee Pay Roll of 1896, that it was placed there without authority of law, and accordingly rejected the application for enrollment of himself and two minor children.

The Acting Commissioner of Indian Affairs reporting in the matter July 30, 1902, recommends the approval of your decision.

The Department finds no reason to disturb your decision and it is accordingly affirmed and the application rejected.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

Sherokee B 002.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Charles E. Shufeldt,

Lawson, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself and your two minor children, Charles A. and Dora A. Shufeldt, as citizens by Shosone blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams B. B.  
Acting Chairman.

Cherokee D 608.

COPY.

Muskogee, Indian Territory, September 3, 1908.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1908, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two minor children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1908.

Respectfully,

*John B. Smith*  
Acting Chairman.

Cherokee D 402.

COPY.

Muskogee, Indian Territory, September 3, 1902.

M. B. Lauen,

Attorney for Charles E. Shufeldt, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two minor children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1902.

Respectfully,

Jame Kirby  
Acting Chairman.

COPY.

Cherokee D 403.

Muskogee, Indian Territory, September 3, 1902.

J. H. Keith,

Attorney for Charles B. Shufeldt, et al.,  
Coffeyville, Kansas.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Charles B. Shufeldt for the enrollment of himself and his two minor children, Charles A. and Fern A. Shufeldt, as citizens by Shosone blood of the Shosone Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*Tame Kirby*  
Acting Chairman.

Muskogee, Indian Territory, November 7, 1902.

Charles E. Shufeldt,  
Lenapah, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate showing your marriage on June 25, 1894, to Charlotte B. Griggs.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-145

Muskogee, Indian Territory, December 20, 1905.

G. R. Bathe,

Coffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of December 9, written in behalf of Charles Shufeldt, an applicant for enrollment as a citizen of the Cherokee Nation. You ask to be advised the status of his enrollment case, and whether or not a petition to reconsider his case will be received.

In reply, you are advised that the records of this office show that one Charles M. Shufeldt, of Lenapah, Indian Territory, made application for the enrollment of himself and children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood, and that his application was denied by the Commission to the Five Civilized Tribes and its action approved by the Secretary of the Interior on August 16, 1905. The action of the Interior Department is final.

You are further advised that if Charles M. Shufeldt has discovered new evidence that is material to his case, and he will advise this office, in detail, the nature of the same, and state what facts he desires to establish in the event his case is re-



-2- COPY.

opened for further hearing, and file affidavits in support of the same, stating in full the facts to which the affiants will testify, his petition for a reopening of his case will be forwarded, with recommendation, to the Secretary of the Interior for his action thereon.

Respectfully,

SIGNED

*Tame Bixby.*

Commissioner.

LS

36380.

Department of the Interior

Received

Aug 8 1906

No. 9859

Indian Territory Division

Department of the Interior,  
August 22, 1906.

Respectfully referred to the  
Commissioner to the Five  
Civilized Tribes for report  
and recommendation.

James H. Wilson.

Assistant Secretary.

185

and a half, Personally  
acquaintance Thy have Proved themselves

Colleyville, Kansas

August, 6, 1906.

Hon, Sec, Interior,  
Washington, D, D, Dear Sir,

In the month of May of T this Year  
I Sent to the commission of the five Civilized Tribes Muskogee  
Ind Territory, The Petition of Thirty Seven Citizens Of Lenapah  
And Surrounding country and Towns, With Proper Affidavits for  
to Reopen the case of Charles, E. Shufeldt and his Children  
That they might share in the Rights by which their Purchase as  
as Shawnee, Indians into the Cherokee Nation, Sept, 8, 1888, Give  
Them The Old man Shufeldt (now Dead), Went to Tallequah,  
Sept, 8, 1888, To Pay in to The Cherokee Nation, The Money,  
Required By The Cherokee, Nation for their Citizenship as  
Dhawnee, Indians, and It would not be Human Nature For A Father,  
to Pay for All of his Family But One and Leave Him Out, the  
Receipts he got At that time for his Money I have in my  
Possessio Here is A copy of One the Receipts,

Treasury Department,  
Cherokee, Nation

Tallequah, Ind, Ter,  
Sept, 8, 1888,

Received, of John, Shufeldt, A Shawnee, Indian, the sum of One  
Hundred, and Ninety five Dollars, for and in Consideration, of  
Citizenship, in the Cherokee, Nation, As per an Act of the  
National Council, approved, December, 9, 1882, Given, Under my  
hand and and Seal of Office, this the day and date above written.

R, C, B, Ross,

Treasurer Cherokee,  
Nation,

I would ask if it would be Reasonable to Believe that A Father,  
would pay in as above mentioned for all of his Family and leave  
out One Child, That certainly is not Humane/Nature,  
The Papers for the Reopening of this case I Presume are now in  
The Indian Office, (yourcity) I would say in conclusion, that I  
have known these People, for three years and a half, Personally  
And during all My Acquaintance Thy have Proved themselves  
Exemplary Citizens and above the average in Intellect, Quiet  
Peaceful Citizens The Citizens of Lenapah, Ind, Ter, and Country.  
Have Manifested, their Universal/ Sympathy By A Petition asking  
that his rights be not disregarded and Trampled Upon,  
This is A case Of Merit and should have just Recognition at the  
Hands of the Proper Authorities  
I realize, that the Government, wants to know the true situation,  
in the case and for That Reason I submit the facts as I know  
Them Hoping that the Information may be of service To you,  
And that A speedy Termination of his case will Result to his good,  
Thanking you in advance for results Where Merit holds just  
Recognition

Respectfully,

G, R, Bathe, Atty,

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt, by Departmental reference of August 22, 1906, for report and recommendation thereon, of a letter from G. R. Bathe, Coffeyville, Kansas, dated August 6, 1906, relative to the Cherokee enrollment case of Charles E. Shufeldt and children, stating that in the month of May he filed with this office a petition for a rehearing of said case.

In reply you are respectfully advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 16, 1902, rejecting the application of Charles E. Shufeldt for the enrollment as citizens by blood of the Cherokee Nation of himself and children, Charles A. and Dora Shufeldt, was affirmed by the Secretary of the Interior on August 16, 1902 (4667-1906<sup>2</sup>). On June 13, 1902<sup>6</sup>, there were filed with this office by G. R. Bathe, "Agent", of Coffeyville, Kansas, affidavits of Martha A. Shufeldt, mother, and Edward Shufeldt, second cousin, of said Charles E. Shufeldt, relative to the payment into the National Treasury of the Cherokee Nation a certain sum of money by H. C. Shufeldt, father of Charles E. Shufeldt, in accordance with a certain Act of the Cherokee National Council, admitting certain members of the Shufeldt family to citizenship

Secretary--2.

in the Cherokee Nation, and a petition signed by certain parties "living in and around Longah, I.T.", asking that the case of Charles E. Shufeldt, et al, be reopened.

The record in the case shows that Martha A. Shufeldt, a Shawnee Indian by blood, mother of Charles E. Shufeldt, was admitted to citizenship in the Cherokee Nation on December 9, 1882 by an Act of the Cherokee National Council upon condition that she pay to the Treasurer of the Cherokee Nation \$100. Said Act also admitted her children, Laura Ann, John, Frank and Percy Shufeldt upon the same condition as their mother, but the name of Charles E. Shufeldt is not embraced in said Act of the Cherokee National Council.

No claim of the discovery of new evidence is made in said petition, which is transmitted herewith; it lacks proof of service of a copy thereof having been served on the attorney for the Cherokee Nation, and the records of this office show that Mr. Rathe has not been admitted to practice as an attorney or agent. The records in the possession of this office fail to show that Charles E. Shufeldt has ever been admitted to citizenship in the Cherokee Nation by any Court, Commission or Committee on Cherokee citizenship.

It is therefore respectfully recommended that the petition be denied.

Respectfully,

Encl. N.A. 11-4.

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

Cherokee R 688.

Muskogee, Indian Territory, September 1, 1906.

G. R. Bathe,

Coffeyville, Kansas.

Dear Sir:

Referring to your letter of June 18, you are advised that the petition made by you for a rehearing in the Cherokee enrollment case of Charles E. Shufeldt, et al, was forwarded for the consideration of the Secretary of the Interior on August 31, 1906.

Respectfully,

M.A.

Acting Commissioner.

OR.

LLE

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 4667-1902.  
22522-1906.

February 1, 1907.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

August 31, 1906, you reported relative to a petition for a rehearing of the application of Charles E. Shufeldt for the enrollment of himself and his minor children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood.

The record shows that the principal applicant, Charles E. Shufeldt is the son of Martha A. Shufeldt, of Shawnee blood, who was admitted with certain named children to citizenship in the Cherokee Nation on December 9, 1892, by an act of the Cherokee Council, which contained this proviso:

"That the persons herein admitted shall pay to the treasurer of the Cherokee Nation the sum of one hundred and ninety-five dollars each, the same being the amount per capita paid by the Shawnees now citizens of the Cherokee Nation, and provided further, that the above amount shall be paid by each of said shawnees before any rights shall accrue under this act."

In pursuance of said proviso, it is shown that there was paid on behalf of Martha A. Shufeldt and her sons, Frank and

Percy Shufeldt, who were at that time minors, the sum of \$195 each, as required to be paid under said act before any rights shall accrue thereunder, but no evidence of any payment is shown to have been made by or on behalf of Charles E. Shufeldt, who was also a minor at the date of the admission of his mother and brothers to citizenship, of the sum of \$195, as required by the act.

The petition for a reopening does not claim that evidence of such payment can be secured, and in fact the record shows that the original attorney for the applicant stated that such evidence was not procurable.

Inasmuch as the name of applicant was omitted from the Cherokee act of admission of his mother and brothers, and no evidence of the payment of \$195 can be shown, as provided by said act for the admission of applicant, said petition for rehearing is hereby denied.

You will advise applicant and his agent of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

9 inc. to Ind. Of.



Cherokee R 865

COPY

Muskogee, Indian Territory, March 7, 1907.

J. H. Keith,

Attorney for Charles E. Shufeldt, et al.,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion for rehearing filed June 19, 1906, in the matter of the application for the enrollment of Charles E. Shufeldt, et al., as citizens of the Cherokee Nation of Shawnee blood, was denied by the Secretary of the Interior February 1, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams D. B. B.*  
Commissioner.

Enc I-206

RPI

Cherokee R 865

COPY

Muskogee, Indian Territory, March 7, 1907.

E. B. Lawson,

Attorney for Charles E. Shufeldt, et al.

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the motion for rehearing filed June 19, 1906, in the matter of the application for the enrollment of Charles E. Shufeldt, et al., as citizens of the Cherokee nation of Shawnee blood, was denied by the Secretary of the Interior February 1, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams* *Tams*

Commissioner.

Enc I-205

RPI

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee, Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for rehearing filed June 19, 1906, by your attorneys: E. B. Lawson, Nowata, Indian Territory, and J. H. Keith, Coffeyville, Kansas, in the matter of the application for the enrollment of Charles E. Shufeldt, and his minor children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood, was denied by the Secretary of the Interior February 1, 1907.

For your information, there is enclosed herewith copy of Departmental letter.

Respectfully,

SIGNED *Tams Dixby*.

Enc I-204  
RPI

Commissioner.

COPY

Muskogee, Indian Territory March 7, 1907.

Charles E. Shufeldt,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the motion for rehearing filed June 19, 1906, by your attorneys, E. B. Lawson, Nowata, Indian Territory, and J. H. Keith, Coffeyville, Kansas, in the matter of the application for the enrollment of yourself and minor children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood, was denied by the Secretary of the Interior February 1, 1907.

Respectfully,

SIGNED *Wm. H. Murray*

Commissioner.

RPI

Cher R 686

Cher R 686

100-100000

a

ment of the said John. Affidavits were submitted and were accounted as a proper claim. The name of the wife, Maria

of the said John, was also submitted and was accounted as a proper claim. The name of the wife, Maria

of the said John, was also submitted and was accounted as a proper claim. The name of the wife, Maria

of the said John, was also submitted and was accounted as a proper claim. The name of the wife, Maria

of the said John, was also submitted and was accounted as a proper claim. The name of the wife, Maria

of the said John, was also submitted and was accounted as a proper claim. The name of the wife, Maria

COMMISSIONER

DEPARTMENT  
COMMISSION TO  
ACT



Applicant & Wife, DOUBTFUL.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
OKLAHOMA, I.T., OCTOBER 16th, 1900.

In the matter of the application of John H. Gillespie for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Gillespie being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John H. Gillespie.

Q How old are you, sir? A 36.

Q What is your post office address? A Coffeyville.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A By adoption.

Q For whom do you apply for enrollment? A Myself and children and my wife's children.

Q What is your wife's name? A Mary she is adopted.

Q What was her name before you married her? A Martin.

Q What is her age? A 36.

Q Have you a certificate of marriage? (Produces papers.

Com'r Needles:--Applicant presents a marriage license issued by the Clerk of the United States Court, and a marriage certificate certifying that he was married to one Mrs. Mary Martin according to the laws of the United States on the 2d day of July, 1899.

Q What is the name of the children you desire to enroll? A I have got one child and she has got five.

Q Who has? A My wife.

Q Who is the oldest child you want to enroll? A William M. Gillespie.

Q How old is he? A 20 years old.

Q What is the name of the other children? A John A. Martin.

Q 16 years of age? A Yes, sir.

Q Name of the next one? A Rosa C.

Q How old is she? A 12.

Q Well? A William H. Martin, ten.

Q Well? A Rebecca E. Martin, Annie E. Martin, four years old.

Q Who is the mother of William M. Gillespie? A Susan Gillespie.

Q Who is the mother of these other children? A Mary Martin.

Q Is she a citizen by blood? A Adoption.

Q What is the name of her husband? A Billie.

Q Is he Indian? A Yes, sir.

Q Is he living? A I do not know.

Q Was she ever married to Billie Martin? A Yes, sir.

Q Did she get a divorce from him? A Yes, sir, in the United States Court.

Q Where? A At Muskogee.

Q What was the date of that divorce? A I could not tell you.

Q Was that before you married her? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Since 1871 I have been here.

Q These children all born in the Cherokee Nation? A No, sir, I do not think they were all of them.

Q Was William M. born in the Cherokee Nation, your son? A Yes, sir.

Q Was he alive and living with you? A Yes, sir.

Q Where was John A. Martin born? A Born in Kansas.

Q His mother and father lived in Kansas when he was born? A Yes, sir.

Q Where was Rosa C. born? A Born in the Cherokee Nation.

Q All the balance of the children born in the Cherokee Nation?

A I think they were I won't be sure.

Q You apply for the enrollment of yourself, wife, Mary, and these children? (No response.)

Q Your present wife a white woman? A Yes, sir, adopted citizen.

Q Have you any proof of marriage of Mary Martin with Billie Martin?

A I have all the papers of their marriage and where he was admitted.

John H. Gillespie---2.

Com'r Needles:--Applicant presents a certified copy of an Act of the Cherokee Council. Said Act providing that William Martin and his two heirs, John Augustus, age three years, and Rosa Caroline, age six months, be re-admitted to all the right and privileges of other Cherokees by blood. Said Act being approved November 27, 1888. Signed by J. G. Mayes, Principal Chief, and certified to by C. M. Harris, Asst. Executive Secretary, under the seal of the Cherokee Nation.

Applicant also presents marriage certificate certifying that William M. Martin was married to Mary E. Stahl on the 28th day of January, 1883, according to the laws of the State of Kansas. Signed by R. W. McPherson, a minister of the Gospel.

Q What was the date of the birth, do you know, of William M. Martin?

A I could not tell you, he is ten years old.

Q Was William M. and Rebecca E. and Annie F. Martin born in 1888?

A I could not tell you. I do not know anything about when they were born.

Q Where is their mother? A She is at home.

Q William Martin, who you call in your testimony Billie Martin, was the husband of Mary Martin and the father of these children, is he living? A I could not tell you, he left her three years ago and I haينت never seen him since.

1880 enrollment; page 261, #1140, John Gillespie, Delaware.

1896 enrollment; page 306, #398, John Gillispie, Cooweescoowee.

Q What was your first wife's name? A Susan.

Q Is she dead? A Yes, sir.

1896 enrollment; page 166, #1927, William M. Gillespie, Cooweescoowee.

1896 enrollment; page 219, #3390, John A. Martin, Cooweescoowee.

1896 enrollment; page 219, #3391, Rosa C. Martin, "

1896 enrollment; page 219, #3392, Wm. H. Martin, "

1896 enrollment; page 219, #3393, Beckey M. Martin, "

1896 enrollment; page 219, #3394, Eva A. Martin, "

1896 enrollment; page 313, #668, Mary M. Martin, "

Q You stated these children were all alive and living with you? A Yes, sir.

Q Did you live with Susan, your wife, until the date of her death?

A Yes, sir.

Q Lived with her until she died? A Yes, sir.

Q She was an indian by blood? A Yes, sir.

Q When did she die? A She died in 1884.

Q You say you lived with her continuously until the date of her death? A Yes, sir.

Q Have you married any one else except Mary Martin since her death?

A Yes, sir, I married a Cherokee woman.

Q When was that? A I forget now.

Q Is she living? A Yes, sir.

Q You did not live with her until her death? A No, sir, she quit me and sued me for a divorce.

Q Did not you quit her and go off with Martin's wife? A No, sir.

Q Did not they have you arrested for something? A No, sir.

Q You lived single for five or six years after she got a divorce from you? No, not that long, I thing it was two years before she got the divorce.

Com'r Needles:--The name of John H. Gillespie appears upon the authenticated roll of 1880 as an intermarried white. His name also appears upon the census roll of 1896. He avers that he was married to one Susan Gillespie, whose name is found upon the authenticated roll of 1880 and who is now deceased, and by said Susan Gillespie he had one son, William H., whose name now appears upon the census roll of 1896. But after the death of his wife, Susan, he married a



John H. Gillespie---5.

Cherokee woman since when he was divorced, and afterwards married one Mary Martin, who was the wife of one William Martin, a Cherokee citizen by blood, and presents a certificate of Admission to Cherokee citizenship, more particularly described in the testimony, certifying that William Martin and his two heirs, John A. and Reay C., were admitted to Cherokee citizenship in the year 1888, and that after the year 1888 was born to said William Martin and his wife Mary, William H., Rebecca E. and Annie E. A certificate of marriage is presented certifying that the said William Martin was married to his wife, Mary Stahl, a white person in the State of Kansas, in the year 1883, but the certificate of Admission issued by the authorities of the Cherokee Nation, admitting the said William Martin and his said children to citizenship, does not contain the name of his said wife, Mary M.

Applicant presents a satisfactory proof of marriage to the said Mrs. Mary Martin according to the laws of the United States. Said marriage being solemnized on the 2d day of July, 1899. They all being duly identified upon the rolls according to the number and page and satisfactory proof being made as to residence, the said William M. Gillespie, age 30, the child of John H. and Susan Gillespie, whose name appears upon the authenticated roll of 1880, will be duly listed for enrollment as a Cherokee citizen by blood. And the names of John A. Martin and Reay C., will be listed for enrollment as Cherokee citizens by blood. They having been specially admitted in the certificate of Admission, as described in the testimony, and the said William H., Rebecca E. and Annie E. Martin, children of the said William Martin and Mary Martin, born after the said William Martin was readmitted to Cherokee citizenship, will also be duly listed for enrollment as Cherokee citizens by blood.

From the fact that the said John H. Gillespie, who was an intermarried white man and whose name appears upon the authenticated roll of 1880, was married to Mrs. Mary Martin, who is a white woman, and according to the laws of the Cherokee Nation, she having never been recognized as a Cherokee citizen, final judgment as to the enrollment of the said John H. Gillespie will be suspended and his name will be placed upon the doubtful card. The name of his wife, Mary Martin, will also be placed upon a doubtful card, and final judgment as to her enrollment as an intermarried citizen will be suspended, because of the fact as set forth in the testimony.

---000000000---

J. O. Rowan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Rowan*

Subscribed and sworn to before me this 16th day of October, 19 00.

*Commissioner*

Commissioner.

DEPT OF THE INTERIOR  
BUREAU OF RECLAMATION  
FILED  
APR 28 1901

*[Signature]*  
ACTING CHAIRMAN

999 *[initials]*

*[initials]*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., April 23, 1901.

In the matter of the application of John H. Gillespie for the enrollment of himself as a Cherokee by intermarriage:  
LOUISA GILLESPIE, being sworn and examined by Commissioner Needles,  
testified as follows:

- Q What is your name? A Louisa Gillespie.  
Q What is your age? A 61.  
Q What is your post-office address? A Ft. Gibson.  
Q Are you a Cherokee citizen by blood? A Yes sir.

Examined by Caleb Starr, on behalf of the Cherokee Nation.

- Q Do you know John H. Gillespie? A Yes sir.  
Q Were you ever married to him? A Yes sir.  
Q When? A About six years ago.  
Q How long did you live with him? A Six years.  
Q Did he abandon you, leave you? A Yes sir.  
Q When ~~was~~ you were married to him did you own the place you live on? A Yes sir.  
Q He went off and left you with that place? A Yes sir.  
Q You still live there? A Yes sir.  
Q Did you sue him for a divorce? A No sir.  
Q You are not divorced from him now? A No sir.

Examined by Commissioner Needles:

- Q John H. Gillespie a white man? A Yes sir.  
Q Has he ever applied for a divorce from you? A No sir.  
Q Nor you from him? A No sir.  
Q What is the reason he left you? A Just disagreeable, couldn't get along. ~~expensive~~  
Q Just picked up and left? A Yes sir.  
Q How long has that been? A I lived with him six years, been gone about four years.  
Q He left you about four years ago? A Yes sir, I guess it has been about that.  
Q You are positive you never got any divorce from him? A No sir, I made application down at Greenleaf Court House, but I never got it.  
Q Do you know whether it was ever granted or not? A No sir.  
Q You don't know whether it was granted or not? A No sir.  
Q He asked me once would I give him one, and I told him yes.  
Q How did he treat you? A He was cross.  
Q Did he provide for you? A Not very well.  
Q Did you leave him or did he leave you? A He left me.  
Q ~~How many~~ years you left him? A He went off and I still staid there.  
Q You are there now on the same place you lived on when he left?  
A Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this April 23, 1901.

*M.D. Green*  
*[Signature]*

66  
B  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 10 1908

 ACTING CHAIRMAN

## CHEROKEES BY BLOOD AND ADOPTION.

OCT 16 1900

Date

1900.

Name

John M. Gillespie

Caffeyville K. Co.

District

DELAWARE.

Year

1880

Page

261

No.

1140

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Wife's name

Mary Gillespie

District

Coo

Year

1896

Page

315

No.

668

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

In 1880 called as

John Gillespie

In 1896 called as Mary M. Martin

2606

It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written. It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written.

--- Specimen ---

The Statute of the Holy See is a very important document. It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written. It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written.

The Statute of the Holy See is a very important document. It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written. It is a very good copy of the manuscript of the Statute of the Holy See. The copy is in the original Latin and is very well written.

Specimen of the Statute of the Holy See.

Statute of the Holy See.

11



Supl.-C.D.#406.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN H. GILLESPIE, ET AL., as citizens of the Cherokee Nation.

The applicant in this case was notified by registered letter February 13, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 5th day of March, 1902. On said date the applicant appeared by his attorneyk J. S. Davenport, Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present the case was continued until the 15th day of March, 1902. On the 15th day of March, 1902, the applicant appeared by his attorney and by agreement the case was again continued until the 24th day of March, 1902. The applicant has this day, to-wit: the 24th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Reason, do hereby certify that as stenographer to the Commission to the Five Civilized tribes, I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Reason*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Gillespie for enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, John H. Gillespie appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment, among others, of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, April 23, 1901. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, John H. Gillespie, is a white man; that he was first married to one Susan Gillespie, a Cherokee by blood, with whom he lived as her husband until the date of her death in 1884, after which he married one Louisa Gillespie, also a Native Cherokee; that he was divorced from the said Louisa Gillespie, after having lived with her six years and thereafter, to-wit: on July 2, 1899, was lawfully married to one Mary Martin, his present wife. He is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll as an adopted white.

The evidence further shows that the applicant, Mary Gillespie, formerly Martin, is a white woman and is identified on the 1896 census roll; that the said John H. Gillespie is her second husband; that she was formerly married to one William Martin, a citizen by blood of the Cherokee Nation, from whom she secured a decree of divorce in the United States Court for the Northern District of the Indian Territory on June 29, 1899.

Section 21 of the act of Congress, approved June 28, 1898, (30 Stats. 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence further shows that the applicants have lived together continuously as husband and wife in the Cherokee Nation since the date of their marriage and that the said John H. Gillespie has been a resident thereof since 1871.

It is, therefore, the opinion of this Commission that the application for the enrollment of John H. Gillespie and Mary Gillespie as citizens of the Cherokee Nation, should be denied under the provisions of the Act of Congress above set forth, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Acting Chairman,

T.B. Needles, Commissioner,

C.R. Breckinridge, Commissioner.

Muskogee, Indian Territory,  
this Jul 29 1902



Clerk.

Jas. A. Winston

Deputy.

By

## DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do

hereby certify that the above and foregoing is a true and correct copy of the original offered in

evidence in the matter of application for enrollment of

as citizen of the Cherokee Nation.

Department of the Interior,

Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 6, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment  
Division of the Commission to the Five Civilized Tribes, and custo-  
dian of the records of said Division, do hereby certify that the  
above and foregoing is a true and correct copy of the original on  
file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

Notary Public.

MARRIAGE LICENSE.

United States of America, }  
INDIAN TERRITORY, } ss.  
Northern District.

No. 984

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. John H. Gillespie, of Foyil, in the Indian Territory, aged 44 years, and Mrs. Mrs. Mary Martin, of Foyil, in the Indian Territory, aged 35 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 1 day of July A. D. 1899.

Seal.

Jas. A. Winston,  
Clerk of the U. S. Court.

By J. C. Anderson, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }  
INDIAN TERRITORY, } ss.  
Northern District.

I, W. C. Summers, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 2d day of July, A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 2d day of July A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 81.

W. C. Summers.  
A Minister of the Gospel.

## CERTIFICATE OF RECORD.

United States of America, }  
INDIAN TERRITORY, } SS.  
Northern District. }

I, James A. Winston, , Clerk of the United States Court in the North-  
~~ern District, Indian Territory, do hereby certify that the instrument hereto attached was~~  
 filed for record in my office the 9<sup>th</sup> day of October , 1899 , at        M.,  
 and duly recorded in Book H , Marriage Record, Page 371

WITNESS my hand and seal of said Court at Muskogee, in said  
Territory, this 9<sup>th</sup> day of October, A. D. 1899

Jas. A. Winston Clerk.

By .. Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., . . . . . I

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of .....

as ..... citizen..... of the Cherokee Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 8, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

Notary Public.

Cherokee R-686

Weir City, Cherokee County Kansas, March 20th 1883.

This is to certify that I did join in marriage W. A. Martin,  
with Mary M. Stahl, on the 26th day of January 1883, according to  
the laws of this State.

B. F. McPherson, a Minister of the Gospel.

Mr. Frank McFersin.  
Mrs. Hettie McFersin.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 8, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment  
Division of the Commission to the Five Civilized Tribes and custodi-  
an of the records of said Division, do hereby certify that the above  
and foregoing is a true and correct copy of the original on file in  
the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 8th day of November 1902.

  
Notary Public.

Executive Department  
Cherokee Nation,  
Tahlequah, Indian Territory, May 15th 1902.

~~I hereby certify that I have examined the Circuit Court record~~  
of Illinois District Cherokee Nation to find the divorce record of  
Louisa Gillespie vs. John N. Gillespie, but the records of said court  
does not show that said suit was ever tried in said court or any  
other suit in which both these parties were plaintiff and defendant;  
that said Circuit Court records has been filed in this Office by law  
and is in my legal custody; that if there ever a record made of said  
divorce case the record of the case has been misplaced or lost.


Given under my hand and the seal of the Cherokee Nation this  
the 15th day of May 1902.

Seal.

B. W. Alberty, Assistant Executive  
Secretary, Cherokee Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 6, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment  
Division of the Commission to the Five Civilized Tribes and custo-  
dian of the records of the said Division, do hereby certify that  
the above and foregoing is a true and correct copy of the original  
on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.

Executive Department, Cherokee Nation, Ind. Ter. Tahlequah, —188

An Act to re-admit William Martin and his two heirs to citizenship.

Be it enacted by the National Council:

That William Martin and his two heirs, John Augustus, aged three years, and Rosy Caroline, aged six months, be re-admitted to all the rights and privileges as other Cherokees by blood. Approved Nov. 27, 1888.

J. B. Mayes, Prin. Chief.  
Executive Department Cherokee Nation. Dec. 3rd 1888.


Seal.

A true copy from the records of this Dept.

G. J. Harris, Asst. Ex. Secy.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 8, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 8th day of November 1902.

  
Notary Public.

Charles B-006.

In the United States Court for the Indian Territory, Northern District, sitting at Muskogee.

Mary Martin,  
vs.  
Wm. Martin.

No. 3774.  
Equity Divorce.

On this 20th day of June 1909 this cause coming on to be heard upon the report of the Master in Chancery E. A. Gibson, and the court being well and sufficiently advised in the premises doth approve the said report.

It is therefore, considered, ordered and adjudged by the court that the plaintiff be and she is hereby divorced from the said Wm. Martin and the custody of his minor children viz. John Martin aged 15; Rosa Martin aged 12; William Martin aged 10; Rebecca Martin aged 8 & Anna E. Martin aged 3 years are hereby awarded to the plaintiff herein and that plaintiff have and recover of and from the defendant all her costs in this suit expended.

United States of America,  
Indian Territory,  
Northern District. ss.

I Charles A. Davidson Clerk of the United States Court for the Northern District of the Indian Territory do hereby certify the foregoing to be a true copy of an order made by said court on the 20th day of June 1909 as appears from the record of said court now on file in my office.


In testimony whereof I have hereunto set my hands at my office at Muskogee this 9th day of May A. D. 1909.

Seal.

Charles A. Davidson, Clerk  
By P. M. Ford, Deputy.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T. November 6, 1908.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the certified copy on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1908.

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 24 1902



COMMISSIONERS.  
HENRY L. DAWES  
TAMM BIRBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ELISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory,

February 13,

1902.

Mr. John H. Gillespie,

Jeffersonville, Kansas,

Sir:-

You are hereby notified that the application of

yourself and wife

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

5th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with Cherokee license and marriage certificate to your former wife Louisa, and also certificate of divorce from her.

Yours truly,

Cherokee D-406  
Register.

Acting Chairman.

Commissioner in Charge.

Cherokee B 606.

007

Muskogee, Indian Territory, July 29, 1908.

John H. Gillespie,  
Coffeyville, Kansas.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your wife, Mary Gillespie, as citizens of the Cherokee Nation. There has this day been forwarded your attorney, J. S. Davenport, Vinita, Indian Territory, a copy of the record of proceedings had in the case, together with the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 33.

Cherokee B-906.

Muskogee, Indian Territory, July 29, 1902.

J. B. Devenport,

Attorney for John H. Gillespie, et al.,

Vinita, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation, together with the decision of the Commission to the Five Civilized Tribes, rejecting said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 34.

Cherokee D 606.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 35.

COPY

Waskagee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

I. Needles  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 36.

Refer in reply to  
the following:

Land

45882-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as Cherokee citizens.

The evidence shows that John H. Gillespie first married a Cherokee woman, Susan by name, and lived with her until her death in 1884. His name appears on the 1880 and 1896 rolls. After her death, at a date not given, he married another Cherokee woman named Louisa, lived with her several years, when he and she separated. His wife, formerly Mary Stahl, married William Martin, a Cherokee Indian by blood, on January 28, 1883 under the laws of Kansas. He, with two of his children were re-admitted to the Cherokee Nation as citizens November 27, 1888. His admission, under the Cherokee customs, was the admission of his wife. On January 29, 1899, she procured a divorce from her said husband, William Martin.

It is apparent that the marriage of John H. Gillespie and Mary Martin was bigamous and null and void, because he at the time of the marriage had a wife living from whom he had not been divorced.

The office does not believe that this bigamous marriage could in any way affect the citizenship rights of the parties. (See case of <sup>A</sup>Srah Hines. July 19, 1902 -- ITD-4017.) Therefore Mary Gillespie should be enrolled as a Cherokee citizen.

It is believed that John H. Gillespie's rights to enrollment depend upon whether he abandoned his second wife, Louisa. He testified that "she quit me and sued for divorce", and in answer to the question "Did not you quit her and go off with Martin's wife?" he said "No Sir."

The said Louisa at a later date stated that she lived with John H. Gillespie about six years as his wife; that he abandoned her, and went off and left her on the farm where she still lives. Further that she brought suit for divorce and procured a decree; that the reason he left her was "Just disagreeable; could not get along". She swears she did not leave him, but that he left her.

B. W. Alberty, assistant executive secretary of the Cherokee Nation, certified that he had examined the circuit court records for Illinois District Cherokee Nation and had been unable to find any record of the divorce of Louisa Gillespie from John H. Gillespie; that the records of the court did not show that said suit had been brought or was ever tried; that he was the official custodian of the records of said court, and that if a record was ever made of such case it had been misplaced or lost.

The certificate of said assistant secretary shows that Louisa Gillespie was in error in stating that she secured a divorce.

If her testimony was erroneous in one particular, it is not entitled to a great deal of weight in another, and it is not deemed by this office that the allegation that John H. Gillespie abandoned his wife Louisa, has been sustained. It is not believed that the bigamous marriage with Mary Martin could affect his rights as a Cherokee citizen.

It is respectfully recommended that the Commission be directed to place the names of both applicants upon the rolls of the Cherokee Nation.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.



L. R. S.

54022

WHR.

)5005-  
I. T. D. (5146-1902.  
)5334-

DEPARTMENT OF THE INTERIOR.

Washington, September 9, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of John H. Gillespie for the enrollment of himself and wife, Mary Gillespie, as citizens of the Cherokee Nation, D. 606.

Both applicants are white persons. Gillespie is identified on the 1880 Cherokee roll as an intermarried citizen, and Mary Gillespie on the 1896 census roll.

In your decision of July 29, 1902, it was found that Gillespie was married to Susan Gillespie, a Cherokee by blood, with whom he lived until her death in 1884, after which he married Louisa Gillespie, a Cherokee by blood; that he was divorced from this party after living with her six years, and thereafter, on July 2, 1899, was married to Mary Martin, his present wife; that this wife was formerly married to William Martin, a citizen of the Cherokee Nation by blood, from whom she procured a divorce on June 29, 1899.

You refer to Section 21 of the Act of June 28, 1898 (30 Stats., 495), and Section 666 of the Cherokee laws (Compilation of 1892), which is as follows:

Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

You rejected the application under the provisions of said act of Congress.

The Department held, May 26, 1902, in the case of Phoebe S. Golden, that a white woman divorced from her Cherokee husband occupies, so far as said section of the Cherokee law is concerned, the same position as the widow of a Cherokee citizen, and if she thereafter marries a white man she thereby forfeits all such rights as she may have acquired by her former marriage. Your interpretation of said section of the Cherokee law is therefore in harmony with the views of the Department.

The Acting Commissioner of Indian Affairs, however, in submitting the case under consideration, August 15, 1902, concludes that the evidence fails to show that Gillespie ever procured a divorce from his wife Louisa, and that therefore his marriage to Mary Martin was bigamous and void, and referring to departmental decision of July 19, 1902, in the case of Sarah Hines, he held that the last marriage could in no way effect the citizenship of the applicants. For reasons similar to those given by the Department in the case of Robert McPherson, August 29, 1902, the decision in

the case is not applicable to the present case. The Department is unable to determine whether Gillespie procured a divorce from his wife Louisa as he alleges, and which she denies. Assuming that he did the Department could affirm your decision for the reasons therein stated, but as it appears that whether a divorce was procured or not the parties, after living together several years, separated, and as the Indian Office concludes that John H. Gillespie's right to enrollment depends upon whether he abandoned his wife Louisa, the Department will consider that view of the matter.

The Indian Office finds that there was apparently no abandonment by Gillespie of this wife, basing this view of the matter upon a supposed inconsistency in the testimony of this wife, and upon a misconception of the facts, in that it is stated by the Acting Commissioner that she testified that she brought suit for divorce and procured a decree when in fact she testified that though she brought suit a divorce was not procured. She also testified that when she married Gillespie she owned the place she now resides on, and that after living with her several years he left her on that place; that he "just picked up and left." Gillespie knew, it appears when he married Mary Martin, that his wife Louisa was living. Under the circumstances, unless he had procured a divorce, this act brought him within the provisions of Section 667 of the Cherokee laws, which provides that -

Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation.

Since the case was submitted to the Department a brief for applicants has been filed by James S. Davenport and George B. Denison, of Vinita, Indian Territory, which, though not served upon the attorney for the Cherokee Nation as it should have been, has been considered, as the action therein is not detrimental to the Nation. The points urged by the claimants in this argument were disposed of adverse to such contentions by the department August 6, 1902, in the case of Phillip T. Johnson, and this day in the case of Mary Lamar.

The Department accordingly affirms your decision.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 Inclosure.

EMD

COPY.

Cherokee D 606.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 9, 1902.

Respectfully,

*James Sixby.*  
Acting Chairman.

COPY.

Cherokee D 606.

Muskogee, Indian Territory, October 7, 1902.

J. S. Davenport,

Attorney for John H. Gillespie, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 9, 1902.

Respectfully,

*Tams Dixby.*

Acting Chairman.

COPY.

Cherokee D 606.

Muskogee, Indian Territory, October 7, 1902.

John H. Gillespie,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your wife, Mary Gillespie, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 9, 1902.

Respectfully,

*James Dixby.*  
Acting Chairman.

Muskogee, Indian Territory, November 8, 1908.

John R. Gillespie,  
Coffeyville, Kansas.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of decree of divorce granted in the case of Mary Martin vs. William Martin; also certificate as to the examination of the Cherokee records by E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation; also marriage license and certificate, showing your marriage on July 2, 1899 to Mrs. Mary Martin; also certified copy of act of the Cherokee National Council, readmitting William Martin to citizenship in the Cherokee Nation; also certificate, showing the marriage of W. D. Martin and Mary Stahlern on January 28, 1853.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.



Cherokee  
B 484

Muskogee, Indian Territory, May 27, 1907

Mary Gillespie,

Afton, Indian Territory.

Dear Madam:

In further reply to your letter of May 14, requesting, among other things, the return of your marriage license and other papers filed with this office, there are returned to you herewith your marriage license and certificate; a copy of decree of divorce granted in the case of Mary Martin vs. William Martin; certificate as to the examination of the Cherokee records by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation; certified copy of an Act of the Cherokee National Council admitting William Martin to citizenship in the Cherokee Nation, and certificate showing the marriage of W. D. Martin and Mary Stahlern.

These papers were, on November 8, 1902, mailed to John R. Gillespie, Coffeyville, Kansas, but were returned to this office unclaimed.

Respectfully,

Cher R 687

Cher R 687

mdg

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-687.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 23, 1903.

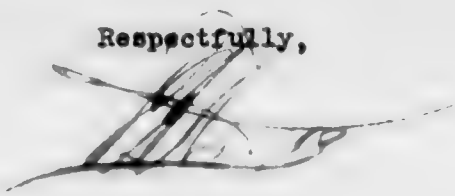
W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application of Isabella C. McCormic for the enrollment of herself and her minor children, Bonnie C., Earl, John B. and Rosa M. McCormic, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-12

Commissioner in Charge.

COMMISSIONERS

THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,

WM. O. BEAL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-687.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 28, 1904.

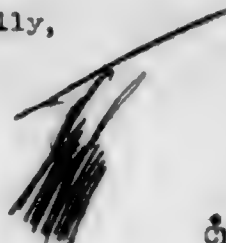
W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 22, 1903, granting the application of Isabella C. McCormic for the enrollment of herself and her four minor children, Bonnie C., Earl, John B. and Rosa M. McCormic, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 20, 1904.

Respectfully,



Chairman.

Robt

Isabella C McCormick et al.

## REVISED

APC 29 1902

Res. . . . .

Abril 20 904. L. m. allés

abs. acc. to 5.00 transferred  
to 6



Cher R 688

Cher

2667

W

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 22 1900



ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Claremore, I. T., October 22, 1900.

In the matter of the application of Mathias Washam for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

Q Give me your full name? A Mathias Washam.

Q How old are you? A 60 years old.

Q What is your postoffice? A Pryor Creek, I.T.

Q What district do you live in? A Cooweescoowee.

Q Who is it you want to enroll; yourself and family? A Just myself.

Q Are you a Cherokee by blood? A No sir.

Q Let me see your marriage license and certificate? #

The applicant presents a license issued by the Clerk of Salene district dated Jan. 31, 1889, authorizing his marriage to Mrs. Martha E. Van. The certificate shows that they were married on the same date by the Clerk of the district.

Q Have you lived with your wife in the Cherokee Nation ever since you married her in 1889? A Until two weeks before the enrollment at Pryor Creek.

Q Did you separate from her then? A She left me.

Q Were you ever married previous to your marriage to your present wife? A Yes sir.

Q How many times were you married before? A Once.

Q Was your former wife dead when you married your present wife?

A Yes sir.

Q It seems that your present wife has been married before? A Yes, twice before.

Q Were both of her former husbands dead when you married her? A The last one was; the other was in a prison.

Q Did she ever get a divorce from her first husband? A I don't know.

Q What was the name of her first husband? A Meadows.

Q She never got any divorce from Meadows? A Not that I know of; he was off in the pen for 19 or 20 years. He was sentenced to be hung, but he is out now.

Q Do you know whether there was a divorce between them? A No sir, I don't know.

Q You don't know Meadows full name? A No sir.

Statement made by the applicant- My wife is at home now, and has been back for three weeks. She said she will be peaceful and will try and get along.

Q If your wife has come back and wants to recall her testimony, she will have to do it herself. A The boys here know that she couldn't get along with her first husband.

1880 roll; page 194, #3101, Martha Van, Cooweescoowee.

1896 roll; page 278, #5030, Martha E. Washam, Cooweescoowee.

1896 roll; page 330, #1101, Mathias Washam, Cooweescoowee.

Q Was your wife's first husband a Cherokee or white man? A A white man.

Commissioner-

The applicant is shown to have married his wife in accordance with Cherokee law in 1889. He is identified on the roll of 1896. He is a white man. He states that he has lived in the Cherokee Nation ever since his marriage, and that he has lived with his wife with the exception of a separation which took place several weeks ago. Her testimony, Card No. 2770, is referred to in this connection. The applicant claims that he and his wife have become reconciled since her application Sept. 14th, of this year, and that they are living together at this time. She is identified on the rolls of 1880 and 1896. She has been married twice previously. According to the applicant's testimony, her second husband was dead when he married her, but her first husband was and is still living, and there is no evidence that any divorce was ever obtained between that husband and the applicant's wife. For the further consideration of the relations between the applicant and his wife, and to await



official evidence of a divorce of his wife from her first husband, his application will be placed upon a doubtful card; he being listed as a Cherokee by intermarriage.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

*E. G. Rothenberger*

Subscribed and sworn to before me this 23rd day of October, 1900.

*[Signature]*

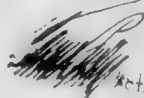
Commissioner.

2667

B

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
OCT 22 1900



ACTING CHAIRMAN.

## CHEROKEES BY BLOOD AND ADOPTION.

Name *Mathias Nasham, Pryor Creek, Ok.* Date *OCT 22 1900* 1900.

District *000* Year *1846* Page *330* No. *101*

Citizen by blood *No* Mother's citizenship

Intermarried citizen *No*

Married under what law *Cherokee*

Date of marriage *Jan, 31, 1849*

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License *Filed*

Certificate *Filed*

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

*Marriage License not attached.*

[illegible]

THE UNIVERSITY OF CHICAGO PRESS, 1907.

Chen 1821 June 1

DEPARTMENT OF THE  
COMMISSION TO THE FIVE C

FILED  
MAR 25 1901

ACTING CHAIRMAN

S U P P L E M E N T A L   T E S T I M O N Y .

D. #657.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., MARCH 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of MATHIAS WASHAM as a citizen of the Cherokee Nation.

MARTHA WASHAM being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Washam.
- Q How old are you, Mrs. Washam? A 50, will be in August.
- Q What is your post office? A Pryor Creek.
- Q Are you a citizen of the Cherokee Nation? A I claim to be such.
- Q Are you the wife of Mathias Washam? A Yes, sir.
- Q Now do you desire to make any statement in regard to the testimony that you gave on the 14th of September, at Pryor Creek, in regard to the separation from your husband? A Well at that time we were separated and I made that statement.
- Q How long were you separated? A I guess it must have been about two months.
- Q Well are you living together now? A We are.
- Q How long have you been living together? A I think it has been about, since before, about the last day of September, perhaps in October some time.
- Q When were you married to Mr. Washam? A 13 years I think last January.
- Q Was that the first separation, the one you speak of now? A No, sir, it was not the first one.
- Q Well how many times did you separate? A Once before that, the summer before that.
- Q You were married twice before you married Mr. Washam? A Yes, sir.
- Q Is your first husband living? A Yes, sir.
- Q Were you ever divorced from him? A I consider that I was divorced from him.
- Q Just state the reasons now and all about it? A The law took him from me and convicted him for murder and put him in the house of Correction for life time and I supposed that that give me the divorce, and I went to see Judge Mayes, he was counted one of our best men, I lived close to him and I asked him about this and he says according to our rules you are a free woman and I considered that I was; I wanted to live right and I thought I was a free woman.
- Q And then you married? A I married Mr. Vann.
- Q Did you live with him until his death? A Yes, sir.
- Q And afterwards married Mr. Washam? A Yes, sir.
- Q Are you living with Mr. Washam now? A Yes, sir.
- Q Are you and Mr. Washam living together peaceable now? A Yes, sir.
- Applicant: When he was taken from me and condemned for life I felt like I was a free woman and I aimed to live honest and tried to live honest and I lived true to him as long as I could.
- Q Do you think that you and Mr. Washam will live together in the future? A Well as long as he gives me the good treatment he has this last time, I suppose we will; I wont stand had treatment from any one and I don't think I will have to.
- Q Your first separation was for about three weeks? A I think so.
- Q And your last separation for about five weeks? A Yes, sir.

Supl.-D.#657.--2.

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rosson

Subscribed and sworn to before me this 19th day of March, 1901.



Commissioner.

C 10654

notes thereof.

the foregoing is a true and correct statement of the testimony and proceedings in this case on this day, and that Commission to the Vice Chairman of the Board that I collected and recorded I hereby certify upon my official oath as a Commissioner to the

---0000000000---

also:  
evidence of the Cherokee Nation and one copy with the Commissioned 30 days in which to file a brief, one copy with the Cherokee Nation for the aboriginal redemptive and will be given.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
MATHIAS WASHAM as a citizen of the Cherokee Nation, introduced on  
part of applicant and also on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of the Commission's letter. Applicant this day appears in person and by his Attorney, J. M. LaHay, Claremore, Indian Territory. Mr. Hastings, Cherokee Representative, present.

MARTHA WASHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Martha Washam.  
Q What is your post office? A Pryor Creek.  
Q How old are you? A I was born in the year '51, I am 50 years old.  
Q Do you know the applicant in this case, Mathias Washam?  
A I think I ought to.  
Q You were married to him in 1889? A I disremember the date.  
Q Well, about that time? A Yes, sir.  
Q Are you living together now? A No, sir.  
Q When did you separate? A I went away from his house the 21 of September.  
Q What was the cause of your separation? A To the best of my knowledge, well he was bringing a family in the house I didn't want to live with and I went away.  
Q The house you were living in? A Yes, sir.  
Q Was he going to bring in another family there to live?  
A Yes, sir, he was and he did.  
Q Did you protest against it? A Yes, sir.  
Q Did he insist in bringing them in? A He brought them in.  
Q Did you tell him you could not live in the house with the other family? A I did; he didn't bring them in while I was in the house; I didn't wait for them, I went out a few days before.  
Q Did he say he was going to bring them in? A He did.  
Q And you haven't been living with him since? A No, sir.  
Q You had separated before? A Yes, sir.  
Q What was the cause of that separation? A There was several causes.  
Q Well, now, this last time you separated; had he told you he was going to bring that family there any way? A Yes, sir; he had.  
Q And you tried to persuade him not to? A I had.  
Q What did the other family consist of?  
A a man and wife and two children.  
Q Had you known the family? A Yes, sir.  
Q You considered them disagreeable so you could not get along with them? A I didn't aim to try to get along with them.  
Q So you picked up and left? A I did.  
Q And he stayed there? A He stayed there.  
Q Were you acquainted with this family before he told you he was going to move them in? A Yes, sir.



MR. LAHAY:

- Q What was the objection to the family? A I didn't have any use for them at all, that is just all the objection I am going to raise; I didn't consider them good enough for me to live with.
- Q Had they ever lived on on your place before that? A They have.
- Q That is the only cause you left Mr. Washam, because these other folks were coming there? A That was the principal cause.
- Q What was the other cause? A I had several.
- Q Well, state them? A That is a very painful subject to me, but if I have to tell you, I can tell you this; he told me more than once that if I didn't withdraw the statement I made before the Commission at Pryor Creek he would not feed and clothe me.
- Q Did you withdraw the statement? A I did not.
- Q Did he feed and clothe you? A Yes, sir, up to the time I left. I didn't tell him I would withdraw the statement, go down before the Honorable Daves Commission and withdraw the statement.
- Q You didn't withdraw the statement? A No, sir.
- Q But he feed you as long as you stayed at home? A Yes, sir.
- Q What part of the statement did he want you to take back?
- A I had made a statement that he had drove me away from home before.
- Q Is that a fact? A That was a fact.
- Q Once before? A Once before.
- Q Well, did he drive you away the first time like he did the last?
- A No, sir.
- Q Were you ever married to a man by the name of Vann? A I was.
- Q You and he lived together as husband and wife? A Yes, sir.
- Q You were married were you? A Yes, sir.
- Q Is Vann living or dead? A He is dead.
- Q Did you and Vann have any trouble? A Sometimes.
- Q Did you ever separate from him? A Yes, sir.
- Q Who left you or Vann? A He left.
- Q Did you ever leave him? A I don't think I ever did.
- Q Well, did you ever leave him? A Yes, I left him.
- Q Left Vann and you left Washam? A Yes.
- Q Well, Washam provided for you as long as you stayed with him?
- A Yes, sir.
- Q Who lived in this house before this family? A Chandler.
- Q They lived there in the same house you and Mr. Washam lived in?
- A They lived there while we were living there.
- Q Did you have any part of the house reserved for you and Mr. Washam? A We had one room.
- Q And this family that was going to come there and you left a few days before they come there was this room still reserved? A I left him there.
- Q You wasn't put out of this room? A I don't know I-
- Q When was you put out? A When I put myself out.
- Q When you left yourself? A Yes, sir.

MATHIAS WASHAM, being duly sworn, testified as follows in his own behalf:

MR. LAHAY:

- Q State your name and age. A Mathias Washam.
- Q How old are you? A I am 61 years old past.
- Q What is your post office address? A Pryor Creek.
- Q How long have you lived in the Cherokee Nation, Mr. Washam?
- A 20 years.
- Q You heard the statement made by Mrs. Washam here in regard to her leaving your place; I wish you would state where place you were on and under what circumstances you were occupying this place?
- A Well, it, it is Mr. Hegan's farm, and I would like to state the conditions and how this come. These convicts that had got away from Leavenworth had taken two of my horses and I had given \$150 reward for them and when I got them it cost me over \$500 and I didn't have money and much more to do to get out of it.

and I had reserved one room for the use of the family and it was as good a house as she ever lived in; that is the reason why I did what I did and she left before they come there, and I told her ~~if~~ she could go to any place and live with me; I had to tend to my cattle.

COMMISSION:

Q Who were these people? A R. Smith, my son's child, she is. she went to her sister's children, one of them, and she said she had to go and wait on her, she was about to be confined. It was a good farm, and I didn't want to give it up.

Q Did you rent the farm to this man Mr. Smith? A I told him if we could make satisfactory arrangements with Mr. Hogan he could have the place, that he was a good worker and he could have the place, that I wanted to reserve one room that we had always had, I had stock on the place and I didn't want to go, all the fodder and all that I had was on the place, but in the Spring I could leave.

MR. HASTINGS:

Q Well, you did rent to this family and sent for them to come in the house there through her protest? A Well, she said she would not live in the house with them.

Q And you insisted on them coming? A I told him if he could make satisfactory arrangements with Mr. Hogan to come there.

Q And disagreeable to your wife and you knew it? A Yes, sir, but I had to rent to the best of the advantage ~~in keep~~ and kept a good room for her to stay there.

Q Although you knew that your wife would leave there if they come in, you would prefer to have them come in? A I told her that I didn't blame her; that I would leave there if she didn't want to stay with them; would go to New Mexico or to the coast or anywhere else, would be glad to do it.

COMMISSION:

Q Is there any other statement you desire to make? A No, sir; I had to give it all up or keep it with that one room.

MR. LAHAY:

Q Whose place was it? A Mr. John C. Hogan.

Q How come you in possession of it? A I had made a place, I made the place, I got behind with him; me and her made a bill of sale to John Warner and John Warner made a bill of sale with John Hogan.

Q The reason then, Mr. Washam, this family came in there if I understand it, you weren't able to farm and cultivate this place, and Mr. Hogan wanted it cultivated and this man came in so it could be cultivated and you reserved one room? A Yes, sir, I had no means to cultivate it with.

Q Did you live there in the house previous to that with any other family? A Yes, sir; I boarded her the last year, she had nothing to do ~~and I took~~ but to take care of her home, boarded her; had a family in there the year before.

Q You provided for your wife? A Yes, sir.

Q All the necessities of life? A Nothing to do but tell me what she wanted and I went and got it; whether I had the money or not.

COMMISSION:

Q This separation you speak of took place subsequent to the application you made to the Commission at Claremore? A Yes, sir; this here was in December sometime, past December; I didn't know she had left me, this is the first I knewed of any. I didn't know we was separated until I got that notice. I wasn't at home when she left there. I wasn't at home when she left and she hired the other parties there to take her but she went to George Watis's and she went to wait on George's wife.

Q You were living together when this application was made?

A Yes, sir.

Q How long did you continue to live together? A Until December past; this party never moved in the house until about ten or 12 days after she left.

Q Where were you at the time they moved in; you say you didn't know that she left you? A ~~The party moved in?~~

Q Yes? A I was there, they didn't move in there then.

Q She left after they moved in? A No, sir, I had a family before and rented the place; there was a five room house and the family that was there farmed the farm, I boarded with these people, and she didn't have nothing to do but to give me a kind word when I came in, and I was glad to do that.

Q You stated that you didn't know she had left you until you received the notice? A Yes, sir.

Q What notice was it, notice from the Nation? A Yes, sir, I didn't know she left the place.

Q What did she do? A I wasn't there, I was away when she left there. She didn't leave any note or any word for me.

MR. HASTINGS:

Q How far did she go from there? A About three miles.

Q Do you mean to say now that she has been living three miles from you and you didn't know she had separated from you? A Didn't know it until I got that notice.

Q You didn't get it until a few days ago? A No, sir.

Q She has been gone more than two months? A Yes, sir.

Q Did you expect her to come back? A I didn't think she would to that place, but I thought she would to any other place.

Q Did you see her at any time during that separation? A I saw her at town and at church; she goes off and stays two or three weeks, she did last summer when I didn't have nothing to do. I told her I would like to know where she was; I kept a good fat animal for her to ride and last year I bought a buggy for her to go in and have got it there yet.

MR. LAHAY:

Q She is in the habit of going whenever she want to? A Yes, sir, and sometimes she would get up in the night; somebody would come there and she would get up and go, sometimes neighbors would come in there, somebody was about to be confined.

Q Did she have any habit of tending around on the neighbor women when they were confined? A Yes, sir; she is good in sickness, she is worth her weight in gold.

Q She made a practice of doing that business? A Yes, sir; she went off whenever she was called upon when she was able and when she was not able; stay away from home ~~xxxxxxxx~~ until she got ready to come back.

COMMISSION:

Q During these two months, did you ~~xxxx~~ ever at any time make any endeavor to induce her to come back? A No, sir.

Q During the conversation you had with her during that time did you ask her to come back? A No, sir, she would not live in the house with them people; I had to stay there and kept that room or give up the home. She went when she got ready and come back when she got ready.

Commission of Mr. Lahay: Do you in behalf of the applicant submit the case? A Yes, sir.

Commission: The attorney for the applicant and the representative of the Cherokee Nation submit the case and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The attorney for the applicant requests and will be allowed 30 days in which to file a brief, two copies with the representative of the Government and one copy with the Commission.

---end---

I hereby certify upon my affidavit with an stenographer to the Commission to the Five Civilized Tribes that I correctly reported the testimony and proceedings in this case on this day, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

J. P. Pessen  
Stenographer.

Marriage License.

Cherokee Nation, I. T.  
Saline District.

To any person legally authorized to solemnize marriage-Greeting:

You are hereby authorized to join in the holy bonds of matrimony, and to celebrate the gifts and ceremonies of marriage, between Mr. M. Washam, a citizen of the United States, and Mrs. Marthey E. Vann, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 31st day of January A. D. 1889.

Seal.

J. M. Ross, Clerk  
Saline District.

Cherokee Nation, I. T.  
Saline District.

I, J. M. Ross, a Clerk hereby certify that on the 31st day of January 1889 I joined in marriage Mr. M. Washam, a citizen of the United States, and Mrs. M. E. Vann, a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 31st day of January A. D. 1889.

Seal.

J. M. Ross, Clerk Saline  
Dist. C. N.

Recorded January 31st A. D. 1889. J. M. Ross, Clerk S.B.C.N.

Seal

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 8, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mathias Washam for his enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on October 22, 1900, Mathias Washam appeared before the Commission at Claremore, Indian Territory, and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation.

On March 19, 1901, Martha Washam, the wife of the applicant, appeared before the Commission at Muskogee, Indian Territory, and gave further testimony herein. On March 8, 1902, the applicant and his wife again appeared before the Commission at Muskogee, and further proceedings were had relative to this application.

The evidence shows that Mathias Washam was married under a Cherokee marriage license on January 21, 1899 to Martha E. Van, a citizen by blood of the Cherokee Nation. He is identified on the Cherokee Census Roll of 1896. It appears that Martha E. Van, was formerly married to a man by the name of Meadows who was living at the date of her alleged marriage to Washam. It appears that her husband Meadows was sentenced to the penitentiary for life and that he and his wife Martha were never legally divorced.

Section 605, "Laws of the Cherokee Nation" (1892), provides:

"A divorce from the bonds of matrimony may be adjudged for either of the following causes, viz: for adultery, for imprisonment for three years or more; for wilful desertion and neglect for the term of one year next preceding the filing of the complaint or petition, for extreme cruelty, whether by violence or other means, and for habitual drunkenness for one year immediately preceding the filing of the complaint or petition."

There is no evidence that under Cherokee law, a sentence of imprisonment for life and confinement under 21, operating as a

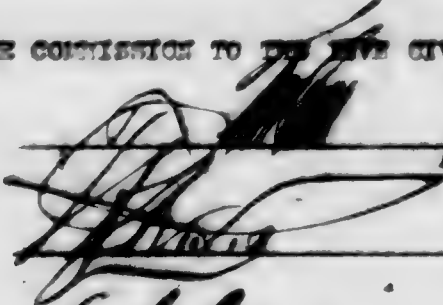


-2-

dissolution of the marriage relation, without legal process. It therefore appears that Nathias Washam acquired no rights of Cherokee citizenship by his alleged marriage to Martha E. Van.

In making rolls of citizenship of the Cherokee Nation this Commission is directed by the Act of Congress approved June 28, 1908, (35 Stat., 495) to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is therefore the opinion of the Commission that Nathias Washam is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that his application for enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 29 1902

10

TO	RECEIVED
201	JAN 10 1901

FILED  
JAN 11 1901

*[Handwritten signature]*

*Handwritten notes:*  
The ...  
...  
...



COMMISSIONER  
HENRY L. DAVIS,  
TAMM BUDY,  
TAMM BUDY,  
U. S. DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYERBURY,  
SECRETARY.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Nathias Washam for enrollment as a citizen of the Cherokee Nation.

*Joel M. Say*  
Attorney for Applicant.

Muskogee, Indian Territory,

January 7th, 1901.

10657

71 11657

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 24 1902

*[Signature]*

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.

CHARLES C. HODGES.  
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

PERSONALLY DELIVERED  
MINISTERS TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 15, 1902.

Mr. Mathias Washem,

Pryor Creek, Indian Territory,

Sir:--

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Joe M. LaHay,  
Claremore, I.T.

Yours truly,

Cherokee D-667  
Register.

Acting Chairman

Commissioner in Charge.

C.D. 657

98

D 657

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
.....day of..... A. D. 190...

Given under my hand this.....  
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
.....day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to.....

*Thomas Washam*  
on the *25* day of *May* A. D. 190*2*  
*R. L. Hicks*

Subscribed and sworn to before me

this

*W. H. [Signature]*  
Notary Public

COMMISSIONER  
OF THE INTERIOR  
U. S. CIVILIZED TRIBES.  
ED  
MAR 1902

## NOTICE!

IN THE MATTER OF the application of WILLIAM S. HARRIS,  
for enrollment as Cherokee citizens:

Case No. D. C. 7.

To William S. Harris, Prior or Clerk.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 25th, 1906 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 20th day of March, 1906.

W. W. Hastings

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory, November 8, 1902.

Mathias Washam,

Pryorocreek, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on January 31, 1889, to Marthey E. Vann.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-3169

COPY

Cherokee D 657.

Muskogee, Indian Territory, July 29, 1902.

Mathias Washam,

Pryor Creek, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, Joe M. La Hay, Claremore, Indian Territory, a copy of the proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*L. E. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 80.

COPY.

Cherokee D 857.

Wuskogee, Indian Territory, July 29, 1902.

See M. La Hay,

Attorney for Mathias Washam,  
Claremore, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. B. Needles*  
Commissioner in Charge.

Register.

Enc. C. No. 89.



COPY

Cherokee D 657.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. W. Hastings*

Commissioner in Charge.

Enc. C. No. 90.

Cherokee D 657.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 91.

*I. B. Needles.*

Refer in reply to  
the following:

COPY.

Land  
45882-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mathias Washam for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that Mathias Washam was married under a Cherokee marriage license on January 31, 1889 to Martha E. Van. His name appears on the Cherokee census roll of 1896. It also appears that Martha E. Van had theretofore been married to a man by the name of Meadows who was living at the date of her marriage to the applicant, and had been sentenced to the penitentiary for life and had never been divorced from his wife. She testified that she had been advised that his sentence in the penitentiary freed her so that she could marry again.

It is the opinion of the Commission that the applicant's marriage to Martha E. Van was void and gave him no citizenship rights in the Cherokee Nation.

The office agrees with the Commission in this particular and respectfully recommends that its decision refusing to enroll the

applicant be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14394-1902.

L. R. S.

51762

EAF.

ITD. 4921-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application of Mathias Washam for enrollment as an intermarried citizen of the Cherokee Nation.

The evidence shows that applicant was in <sup>1889</sup>~~1899~~ married to Martha E. Van, a Cherokee citizen by blood, and that he is identified on the Cherokee census roll of 1896; that Martha E. Van had been theretofore married to one Meadows who was sentenced to penitentiary for life and who was living at the date of her marriage to Washam, and that she was never legally divorced from Meadows. Section 695, "Laws of the Cherokee Nation (1892)," provides:

"A divorce from the bonds of matrimony may be adjudged for either of the following causes, viz; for adultery, for imprisonment for three years or more; for wilful desertion and neglect for the term of one year next preceding the filing of the complaint or petition, for extreme cruelty, whether by violence or other means, and for habitual drunkenness for one year immediately preceding the filing of the complaint or petition."

You state that "There is no evidence that under Cherokee laws, a sentence of imprisonment for life and confinement under it, operates as a dissolution of the marriage relation, without legal process," and denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 12, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

It appearing that Martha E. Van had a husband living at the time of her marriage to this applicant, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

~~EMD.~~

1 inclosure.

Cherokee D 657.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*W. H. Hixby*  
Acting Chairman.

COPY

Cherokee D 687.

Muskogee, Indian Territory, September 17, 1902.

Joe M. La Hay,

Attorney for Mathias Washam,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

James Bixby  
Acting Chairman.



Cherokee D 657.

CCF.

Muskogee, Indian Territory, September 17, 1902.

Mathias Washam,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Tanis Dixby.*

Acting Chairman.

Cher R 689

Cher

8763

a

DEPARTMENT OF  
COMMISSION TIT

OCT 23 1900



ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., October 23, 1900.

In the matter of the application of William D. Parham for the enrollment of himself as a Cherokee citizen by intermarriage; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A William D. Parham.  
Q How old are you? A 31 years old.  
Q What is your post-office address? A Claremore.  
Q What district do you live in? A Cooweescoowee.  
Q Are you a recognized citizen of the Cherokee Nation? A Only adopted citizen.  
Q Who do you want to enroll? A Just myself.  
Q Have you been married? A Yes sir.  
Q Are you married now? A Yes sir.  
Q What is your wife's name? A Emma Parham.  
She enrolled at Winita.  
Q Why didn't she enroll you when she enrolled there? A We separated.  
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation 10 years.  
Q When were you married? A (Produces papers)  
Com'r: The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Mrs Emma Mills a citizen of the Cherokee Nation on the 2<sup>d</sup> day of October 1891.  
Q How long did you live with your wife? A I lived with her up until about a month ago.  
Q And you are separated now? A Yes sir.  
Q Did she leave you? A Yes sir.  
Q You didn't leave her? A No sir.  
Q You lived with her continuously up until the time of your separation far from the time of your marriage? A She was away it has been about a year ago, and she came back last October.  
Q What was her name before you married her? A She was Mills, she married a Mills.  
Q What was her maiden name? A Wetzel.  
1896 roll page 585 #417 William D. Parham Delaware Dist;  
1896 roll page 519 #2500 Emma Parham Delaware Dist;  
1880 roll page 497 #2141 Emma Wetzel Going Snake Dist. native Cher.

Com'r Needles: The name of William D. Parham appears upon the census roll of 1896; he presents satisfactory proof of marriage to one Emma Mills, on the 2nd day of October 1891, and avers that she was a widow Mills, at the time of his marriage to her, and that her maiden name was Emma Wetzel, and the name of Emma Wetzel is found upon the authenticated roll of 1880 according to page and number of said roll as indicated in the testimony; the applicant is duly identified and makes satisfactory proof as to his marriage and abode as to his residence; he avers that he separated from his wife and is not living with her; consequently under the provisions of §667 of the Cherokee Statute, compilation of 1892, providing that intermarried persons ~~shall~~ who shall abandon their wives they shall forfeit all rights and privileges to Cherokee citizenship final judgment as to the enrollment of said William D. Parham will be suspended, and his name will be placed upon a doubtful card, awaiting testimony in regard to actual facts of his separation from his wife.

M.D. Green, being first duly sworn states that as stenographer to

Ex 3 Part 2

the Commission to the Five Civilized Tribes currently reported  
the testimony and proceedings in this case and that the foregoing  
is a true and complete transcript of his statement before the Commission.

*W.D. Hearn*

Subscribed and sworn to before me this 25 day of Oct. 1900.

*W.D. Hearn*

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
OCT 23 1900

  
ACTING CHAIRMAN.

8679

## CHEROKEES BY BLOOD AND ADOPTION.

CHEROKEES BY BLOOD AND ADOPTION.

(3) Name William D. Parkman Date OCT 23 1900 1900.

District \_\_\_\_\_ DELAWARE. Year 1876 Page 585 No. 417

**Citizen by blood** ☒ **Mother's citizenship.**

Intermarried citizen *yes*

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

**License** **Certificate**

Wife's name

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood Mother's citizenship

**Intermarried citizen**

Married under what law ..... Date of marriage .....

License \_\_\_\_\_ Certificate \_\_\_\_\_

**Names of Children:**

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

[illegible]

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. 111 Year 1911 Page 1 No. 1 Age 1

1m 1846 roll ~~18~~ William D Parkman



8  
D 314  
Certified Copy  
of-

Marriage License  
P. L. Browning  
To  
Elizabeth H. Williams

COMMISSION TO FILE  
FILED  
FEB 24 1902

ACTING REGISTRAR

Fee .75



Copy of Marriage License  
State of Missouri }  
County of Newton }

This License Authorizes  
any Judge of a Court of record or Justice  
of the peace or any Licensed or Ordained  
Preacher of the Gospel who is a Citizen of  
the United States to Solemnize Marriage  
between P. G. Browning of Seneca in the  
County of Newton and State of Missouri who  
is over the age of Twenty one years and  
Elizabeth H. Williams of Seneca in the County  
of Newton and State of Missouri who is  
over the age of Eighteen years.

Witness my hand as Recorder  
with the Seal of Office hereto affixed at my  
office in Neosho Mo. this 19 day of Sept  
1900. J. H. Hughes Recorder  
my C. A. Skinneth

State of Missouri } ss This is to Certify that the  
County of Newton } undersigned Minister of the Gospel  
did at Neosho in said County on the 19<sup>th</sup> day  
of Sept A.D. 1900. unite in marriage the above  
named persons and I further Certify that I  
am a Citizen of the United States and legally  
qualified under the laws of the State of Missouri  
to Solemnize Marriages. L. C. Wilson M. G.

J. H. Hughes  
By C. A. Skinneth  
State of Missouri } ss  
County of Newton } J. H. Hughes Recorder of  
Deeds within and for said County do

1 hereby Certify that the foregoing Instrument  
2 is a True and perfect Copy of Marriage  
3 License as the same appears of record  
4 in Book A page 473 Newton County  
5 marriage records. Witness my hand  
6 and Seal of said Office this 11<sup>th</sup>  
7 day of February 1902.

8 J. H. Hughes  
9 (Seal)  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

## COPY OF MARRIAGE LICENSE.

STATE OF MISSOURI

COUNTY OF NEWTON

This License Authorizes any Judge of a Court of record of Justice of the peace, or any Licensed or Ordained Preacher of the Gospel who is a citizen of the United States to Solemnize Marriage between P. G. Browning of Seneca in the County of Newton and State of Missouri who is over the age of Twenty one years and Elizabeth K. Williams of Seneca in the County of Newton and State of Missouri, who is over the age of Eighteen years.

Witness my hand as Recorder with the Seal of Office hereto affixed at my office in Neosho Mo. this 19 day of Sept 1900

J. H. Hughes Recorder

(SEAL)

By C. A. Stinnett

STATE OF MISSOURI

COUNTY OF NEWTON ss.

This is to certify that the undersigned Minister of the Gospel did at Neosho in said County on the 19th day of Sept A.D. 1900, unite in marriage the above named persons and I further certify that I am a citizen of the United States and legally qualified under the laws of the State of Missouri to Solemnize Marriages.

L. C. Wilson M. G.

J. H. Hughes

Recorder

By C. A. Stinnett

STATE OF MISSOURI ss.

COUNTY OF NEWTON

I, J. H. Hughes Recorder of Deeds within and for said County do hereby certify that the foregoing Instrument is a True and perfect copy of Marriage License as the same appears of record in Book H Page 473, Newton County Marriage records.

Witness my hand and Seal of Said Office this 11th day of February 1902.

J. H. Hughes

Recorder.

(SEAL)

---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

*[Signature]*  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 6th day of November, 1902.

*[Signature]*  
Notary Public

DEPARTMENT OF THE INTERIOR  
MINISTER OF THE CHEROKEE NATION  
FILED

Cherokee Nation,  
Delaware Dist. }

To the regularly ordained Minister of

the Gospel, or any of the Judges or Clerks of this Nation, to execute and return—GREETING:

You are hereby commanded in the name of the Cherokee Nation, to solemnize the Rites of Matrimony, between Mr. ....  
a citizen of the United States, and Miss .....  
a citizen of the Cherokee Nation, (by blood,) the said .....  
..... having complied with the law regulating intermarriage of white man and foreigners.

Given under my hand and official seal this ..... day  
of ..... A. D. 1882.

T. J. McGHEE, Clerk,  
Delaware Dist., C. N.

Crabapple & the same I sh  
tangled in the 17th 7th that  
the Monarch of Germany  
has a son born on 17th 1747  
with the birth of the son the  
King of Prussia on 17th 1747  
day of 1747  
the Monarch  
of Prussia

MARRIAGE LICENSE.

CHEROKEE NATION,  
DELAWARE DIST.

To any regular ordained Minister of the Gospel,  
or any of the Judges or Clerks of this Nation, to execute and re-  
turn-----

You are hereby commanded in the name of the Cherokee Na-  
tion, to Solemnize the Rites of Matrimony, between Mr. Press G. Browning  
a citizen of the United States, and Miss McKay Flint a citizen  
of the Cherokee Nation, (by blood,) the said Press G. Browning hav-  
ing complied with the law regulating intermarriage of white men and  
foreigners.

Given under my hand and official seal this 7th day of Oct, A.D.  
1883 T. J. McShae, Clerk,  
Delaware Dist., C. N.

( SEAL )

Clerk Office of Delaware Dist

this is to certify By me that the marriages of Cer-  
rimony was duly performed By me with the parties named in the with-  
in License on the 7th day of Oct 1883.

T. J. McShae Clerk  
Delaware Dist C. N.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment  
Division of the Commission to the Five Civilized Tribes and custodian  
of the records of said Division, do hereby certify that the above  
and foregoing is a true and correct copy of the original on file in  
the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 6th day of November, 1902.

  
Notary Public.

CHEROKEE NATION, I. T.,  
Delaware DISTRICT.

I, J. M. C. S. M.

hereby certify that on the 2<sup>nd</sup> day of October 1881  
I joined in Marriage, Mr. W. D. Parham a citizen  
of the United States, and M. S. Parham a citizen  
of the Cherokee Nation, agreeable to the authority given in the within  
License and the customs and laws of the Cherokee Nation.

Given under my hand this 2<sup>nd</sup> day of October

A. D. 1881

J. M. C. S. M.

Chief Delaware District

Cherokee Nation

DEPARTMENT OF  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
OCT 23 1900

ACTING CHAIRMAN

Encl M 167

CHEROKEE NATION, I. T.,

Delaware

DISTRICT.

I, *J. McChes* a Clerk

hereby certify that on the 2<sup>nd</sup> day of October, 1891  
I joined in Marriage, Mr. *W. D. Parham* a citizen  
of the United States, and *Mrs. Emma Mills* a citizen  
of the Cherokee Nation, agreeable to the authority given in the within  
License and the customs and laws of the Cherokee Nation.

Given under my hand this the 2<sup>nd</sup> day of October

A. D. 1891

*J. McChes*  
Clerk Delaware District  
Cherokee Nation

FILED M 167

DEPARTMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 23 1900

*[Signature]*

ACTING CHAIRMAN



# Marriage License.

CHEROKEE NATION, I. T., )  
*Delaware* DISTRICT. )

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony,  
and to celebrate the rites and ceremonies of Marriage, between Mr.  
*W D Pomeroy*, a citizen of the United  
States and *Mrs Emma Mill*, a  
citizen of the Cherokee Nation, according to the usual custom and laws  
of the Cherokee Nation, and you are required to return this License to  
me, for record, within thirty days from the celebration of such Marriage  
with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

this the *20<sup>th</sup>* day of *October*

A. D., 18*81*

Clerk

*Delaware*

District.

Cherokee R-689

Marriage License.

Cherokee Nation, I. T.  
Delaware District.

~~To any person legally authorized to solemnize marriage—Greeting:~~

You are hereby authorized to join in the holy bonds of matrimony, and to celebrate the rites and ceremonies of marriage, between Mr. W. D. Parham, a citizen of the United States, and Mrs. Emma Mill, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 2nd day of October A. D. 1891.  
Seal.

T. J. McGhee,  
Clerk Delaware District.

Cherokee Nation, I. T.  
Delaware District.

I, T. J. McGhee, a clerk, hereby certify that on the 2nd day of October 1891, I joined in marriage, Mr. W. D. Parham, a citizen of the United States, and Mrs. Emma Mills, a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 2nd day of October A. D. 1891  
T. J. McGhee, Clerk Delaware District,  
Cherokee Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 8, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.

Clarence Barham and Ada Barham.

absolute care and custody of her minor children Clarence Barham, from the defendant, William Barham, and that she be given the an absolute divorce be granted to said plaintiff, James H. Barham.

It is considered, ordered and decreed by the Court, that Clarence Barham and Ada Barham be awarded the plaintiff herein.

that the care and custody of her minor children Clarence Barham, should have an absolute decree of divorce from the defendant, and from the testimony this day introduced that the plaintiff herein was killed his robot herein, and further appearing to the Court that the Attorney for the respondent defendant herein had this publication having been duly made and filed in this cause, and this Court, and that proof of service on the defendant herein by more than thirty days prior to the commencement of this term of the adjournment of the Court that this action was commenced comes on to be heard the above entitled cause, and it appearing

Now on this the Six day of May, A. D. 1901,

William Barham, Defendant.

vs

James H. Barham, Plaintiff.

INDIANA TERRITORY, SETTLING AT VINNIE.

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF THE

COMMISSION TO THE IN-CHIEFED IN 2  
MAILED  
MAR 6 1902

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF THE  
INDIAN TERRITORY, SITTING AT VINITA.

Rena E. Parham, Plaintiff,

vs

No. 1351.

William Parham, Defendant.

Now on this the 27th day of May, A. D. 1901,

comes on to be heard the above entitled cause, and it appearing to the satisfaction of the Court that this action was commenced more than thirty days prior to the commencement of this term of this Court, and that proof of service on the defendant herein by publication having been duly made and filed in this cause, and that the Attorney for the Non-resident defendant herein had this day filed his report herein, and it further appearing to the Court from the testimony this day submitted that the plaintiff herein should have an absolute decree of divorce from the defendant, and that the care and custody of her minor children Claud Parham, Clarence Parham and Ada Parham be awarded the plaintiff herein.

It is considered, ordered and decreed by the Court, that an absolute divorce be granted to this plaintiff, Rena E. Parham, from the defendant, William Parham, and that she be given the absolute care and custody of her minor children Claud Parham, Clarence Parham and Ada Parham.

UNITED STATES OF AMERICA,

Indian Territory,

ss

Northern District.

I, Chas. A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify the above to be a true and correct copy of a decree made by said Court on the 27th day of May, A. D. 1901, as appears from the records now on file in my office.

WITNESS, my hand and seal of said Court at Vinita this  
the 28th day of February, A. D. 1902.

Chas. A. Davidson, Clerk

*Chas. A. Davidson*

In the United States Court for the Northern District of the Indian Territory, sitting at Vinita.

Emma E. Parham, Plaintiff,

vs.

No. 1351.

William Parham, Defendant.

Now on this the 27th day of May, A. D. 1901, comes on to be heard the above entitled cause, and it appearing to the satisfaction of the Court that this action was commenced more than thirty days prior to the commencement of this term of this Court, and that proof of service on the defendant herein by publication having been duly made and filed in this cause, and that the attorney for the non-resident defendant herein had this day filed his report herein, and it further appearing to the Court from the testimony this day submitted that the plaintiff herein should have an absolute decree of divorce from the defendant, and that the care and custody of her minor children Claud Parham, Clarence Parham and Ada Parham be awarded the plaintiff herein.

It is considered, ordered and decreed by the Court, that and absolute divorce be granted to this plaintiff, Emma E. Parham, from the defendant, William Parham, and that she be given the absolute care and custody of her minor children, Claud Parham, Clarence Parham and Ada Parham.

United States of America,  
Indian Territory,  
Northern District. ss.

I, Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify the above to be a true and correct copy of a decree made by said court on the 27th day of May, A. D. 1901, as appears from the records now on file in my office.


Witness my hand and seal of said Court at Vinita this the 28th day of February, A. D. 1902.

Seal.

Chas. A. Davidson, Clerk  
By T. A. Chandler, Deputy.

1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.

12

9673

FILED  
DEC 17 1900

ACTING CHAIRMAN

12 1900



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TAHLEQUAH, I.T., DECEMBER 13th, 1900.  
R.

IN THE MATTER OF THE APPLICATION OF Ferna Parkham for the enrollment of herself and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Brookins-ridge, testified as follows:

- Q What is your name? A Ferna Parkham.  
Q How old are you? A Twenty nine.  
Q What is your Postoffice? A Mayoville, Arkansas.  
Q In what district do you live? A Delaware.  
Q Have you a family? A Three children.  
Q Have you a husband? A Yes sir.  
Q Do you want to enroll yourself, your husband and three children?  
A No sir, just me and my three children.  
Q Are you a Cherokee by blood? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Give me your father's name? A D. K. Wetzel.  
Q Is he living? A Yes sir.  
Q Give me the name of your mother? A Martha Wetzel.  
Q Is she living? A Yes sir.  
Q Give me the names of your children? A Claude C.  
Q How old is that child? A Seven years old.  
Q The next child? A Clarence W.  
Q How old is he? A Five years old.  
Q The next child? A Ada B.  
Q How old is that child? A Three years old.  
Q Are these children all living? A Yes sir.  
Q Have you any middle name? A Ferna P.  
Q You have been married? A Yes sir.  
Q How often have you been married? A Twice.  
Q What is the name of your first husband? A Thomas Mills.  
Q Is he dead? A Yes sir.  
Q When did he die? A He died in 1890.  
Q Was he a white man? A Yes sir.  
Q Give me the name of your second husband? A William D. Parkham.  
Q When did you marry him? A In 1891.  
Q Is he dead? A No sir.  
Q Did he marry you according to Cherokee law? A Yes sir.  
Q Are you and he separated? A Yes sir.  
Q Is he a white man? A Yes sir.  
Q When did you separate? A September.  
Q September of this year? A Yes sir.  
Q Have you taken any action to procure a divorce from him?  
A Yes sir; I will get one this month.  
Q Did he leave you, or did you leave him? A I left him.  
Q Upon what ground did you leave him? A Abuse.  
Q Was he abusive in his conduct? A Yes sir.  
Q You consider that he drove you away, do you? A Yes sir.  
Q Will you make a statement of the character of his abuse?  
A He struck me, choked me, abused me and cursed me.  
Q Did he do it more than one time? A No sir, just one time.  
Q Once was enough, was it? A Yes sir.  
Q When did he treat you in that manner?  
A About a week before I went away.  
Q Had his general conduct towards you before that time been kind  
or unkind? A Unkind.  
Q There are proceedings now pending for divorce? A Yes sir.  
Q You have applied for divorce, have you? A Yes sir.  
Q Did you ever leave your husband before? A Yes sir.  
Q How long ago? A Last Summer a year ago.  
Q How long did you stay away? A Six months.  
Q What was the occasion of your leaving? A The same reason.  
Q He cursed and abused you? A Yes sir.  
Q Where did you go? A To mother's.



IRMA E. PARKHAM ET AL.

Q ~~How did you~~

-2-

Q How did you happen to go back to him? A I do not know hardly: On account of the children I suppose.

Q He promised to treat you better? A Yes sir.

Q Did he make overtures for you to come back? A Yes sir.

Q How long did you live with him? A From November 1899 to this last September.

Q Did he treat you better for a little while? A Yes sir.

Q Then his conduct was the same as before? A Yes sir.

Q You considered that his influence was bad on the children?

A Yes sir, he had an inclination to pick up things, and learn the children something I did not want them to know.

Q You believed that the children could not properly grow up under the influence he exerted? A Yes sir; no children could grow up that way.

(1880 Roll, Page 497, #2141, Anna Witzel, Goingsnake District)  
(1896 Roll, Page 612, #2500, Irma Parkham, Delaware District)  
(1896 Roll, Page 612, #2501, Claude Parkham, Delaware District)  
(1896 Roll, Page 612, #2502, Clarence Parkham, Delaware Dist)

Q Are these children with you now? A Yes sir; I have control of the children.

Q Is your husband living on the place you and he lived together?

A No sir.

Q Where is he? A He is scouting.

Q When did he go scouting? A I do not know.

Q Have you heard that it was only here lately that he went off on a scout? A Yes sir; he was under \$500.00 bond when he ran off.

Q About how long ago? A I think it was last month some time I heard it.

Q Have you heard of there being a warrant out for him for stealing hogs? A Yes sir, for changing the marks on hogs: He had been tried before I left home: He was under bond before the Commissioner. He stood his trial the first of September, then his other trial was to be the first of November, and he skipped his bond.

Q That is the trouble you had noticed; that he interfered too much with other people's property?

A Yes sir, he did, and he remarked these hogs before my children.

Q Are you living on the place now where you and he were living?

A No sir, I am renting the place.

Q That is your place? A Yes sir. I have a bill of sale of the place.

Q It belongs to you? A Yes sir.

Q Have you a certificate of your marriage to this man, Parkham?

A He destroyed it I think.

Com'r. C. R. Breckinridge: In the case of William D. Parkham, Case "D" 673, there is filed a license, issued by the Clerk of Delaware District, October 2nd, 1891, authorizing marriage between himself and Mrs. Anna Mills: The certificate shows that W. D. Parkham and Mrs. Anna Mills were married on the same day by the clerk of the District. This document is returned to the file to which it belongs.

Q Have you some one here who knows you were a Witzel before you married your husband Parkham? A I do not know any one except Mr. Hastings and Mr. Gale Starr.

J. V. McPherson, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give your full name there? A J. V. McPherson.

Q How old are you? A Sixty six.

Q What is your Postoffice? A Stilwell.

Q How long have you lived in the Cherokee Nation? A All my life.

- Q Do you know D. K. Wetsel? A Yes sir.  
Q Do you know his wife, Martha? A Yes sir.  
Q Do you know his children? A Yes sir.  
Q Do they live near you? A No sir, they live up near Maysville.  
Q Do you know the applicant here? ~~Wm. D. Wetsel~~ A Yes sir.  
Q What is her given name, do you know? A Emma.  
Q Is she a daughter of D. K. and Martha Wetsel? A Yes sir.  
Q What is her first husband's name? A I do not know.  
Q What do you understand to be her name now? A I do not know.  
Q But you know she is a daughter of D. K. and Martha Wetsel?  
Q And her name is Emma? A Yes sir.

Applicant recalled:

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself and three children: She is identified on the rolls of 1880 and 1896 as a native Cherokee: She has lived in the Cherokee Nation all her life: Her changes of name are satisfactorily established by the testimony, and she will now be listed for enrollment as a Cherokee by blood.

Of her three children, the first two, Claude C. and Clarence W. are identified on the roll of 1896; they are living now, and they will be listed for enrollment as Cherokees by blood.

When she files a certificate of birth of her youngest child, Ada E., this child also will be listed for enrollment as a Cherokee by blood.

(A copy of this testimony will be filed in the case of William D. Parkham, "D" #673)

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

  
Subscribed and sworn to before me this 17th day of December, 1900.



COMMISSIONER.

15673

af

attrib of my stenographic notes thereof.  
 on said notes, and that the foregoing is a true and complete sten-  
 ographic record of the testimony and proceedings in the above case  
 stenographic to the Commission to the Five Civilized Tribes, and that I  
 I, J. O. Henson, do hereby certify upon my solemn oath as

DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
 MAR 12 1902

*[Signature]*  
 ACTING CLERK

*[Signature]*  
 J. O. Henson

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
WILLIAM D. PARHAM as a citizen of the Cherokee Nation. Introduced  
on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney and a opportunity would be given him to introduce any further testimony affecting his application. He was further notified that the representatives of the Cherokee Nation would also on said date be afforded an opportunity to introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation, but that such representatives would first be required to notify him of their intention to introduce such testimony before the same would be introduced by the Commission.

J. C. STARR, being duly sworn, testified as follows on part of the Cherokee Nation:

By Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A J. C. Starr.

Q Are you the stenographer for the Cherokee Nation? A Yes, sir.

Q Did you make any attempt to get service on William D. Parham, who was an applicant for citizenship in case D.#673? A Yes, sir.

Q What did you do? A I had the City Marshal at Claremore to find William D. Parham so we could get service of notice on him that testimony would be taken at Muskogee to-day, and the Marshall wrote that he could not find him and wrote that he did not know where he was.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and move to be allowed to introduce testimony in this case, they having attempted to get service upon the applicant but that the same could not be had because he was a non-resident.

Commission: In view of the fact stated, the testimony will be received.

Examined Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decree of divorce granted by the United States Court for the Northern District, Indian Territory, at Vinita, on the 27th day of February, May, 1901, to Emma E. Parham against her husband, William Parham, and desires to call attention to the fact that in connection herewith that no service could then be had upon the defendant who is the applicant here; that he was at that time, namely in May, 1901, a non-resident of the Indian Territory.

Commission: The applicant having this day, to-wit: the 6th day of March, 1902, been called three times and failing to respond either in person or by attorney, the case is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, J. C. Ransom, do hereby certify upon my affidavit with me  
stenographer to the Commission to the Five Civilized Tribes that I  
correctly recorded the testimony and proceedings in the above case  
on said date, and that the foregoing is a true and complete tran-  
script of my stenographic notes thereof.

J. C. Ransom  
Stenographer.

D314

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 17 1902



ACTING CHAIRMAN

# Department of the Interior, *Ch*

OFFICE OF INDIAN AFFAIRS.

Washington, April 9, ~~1897~~ 1902.

I, *L. W. A. Jones*, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true and literal copies of such parts of schedule of names of Shawnee Cherokee made by John W. Wallace, special agent, and approved by the Secretary of the Interior, September 26, 1891; and of the roll of Shawnee Cherokee Indians compiled by James S. Dickson, special agent, dated July 22, 1896, as refer to Sarah E. Browning and her children, together with the certificates of authentication attached thereto.

as the same appear on file in this Office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

*L. W. A. Jones*  
Commissioner.

*100*

Schedule of names of Chassee Cherokees, made by John W. Wallace, Special Agent appointed by the Secretary of the Interior, under a clause of the Indian appropriation Act of March 2, 1889, (25 Stat. P. 604) and under his instructions issued July 11, 1889, as entitled to share with the Freedmen and Delawarees in the per capita distribution of the sum of seventy five thousand dollars (\$75,000) appropriated by the Act of Congress, approved October 19, 1888, (25 Stat. P. 609) and revised under the supervision of this Office.



# WALLACE ROLL.

## SHAWNEE CHEROKEES.

Office No.	Wallace No.	Cherokee No.	Names	Age	Sex.	Residence.
260	583	327	Flint, Sarah Ellen,	30	F.	Cherokee Nation

### Remarks:

If alive Mch. 3, 83; evid lacking.  
Wife of Browning?

Department of the Interior

Office Indian Affairs

September 25th 1891

The foregoing schedule, from page 59 to page 97 inclusive, containing the names of 694 Shawnee Cherokees, who are, or have been recognized as such by the Cherokee authorities, or were admitted by Special Agent John W. Wallace; and the children of such Shawnee Cherokees; as entitled to share, (with the Freedmen and Delawarees) in the per capita distribution of the sum of seventy five thousand dollars appropriated as aforesaid, and as in said Act provided; and I respectfully submit the same, with the recommendation that it be approved by you, and that a per capita payment of fifteen dollars and fifty cents (15.50) be made to each of said claimants, or their representatives; that being the sum which each is entitled to receive under the law.

H. V. Belt,

Acting Commissioner.

Department of the Interior

September 26 1891

The foregoing schedule of 694 names from page 59 to page 97 inclusive is hereby approved as recommended.

John W. Noble,

Secretary.

# DICKSON ROLL.

## SHAWNEE CHEROKEES.

Office Cherokee Present			Name	Age.	Sex.	Present address
No.	No.					
260	327	142	Browning Sarah E. head.	36	F.	Seneca Mo.
		143	" Thomas E., son	11	M.	
		144	" Ben F., son	9	M.	
			" Esther, dau.	5	F.	

### Remarks:

Nee Flint.

Born Jan. 29, 1885.

" Dec. 21, 1888.

" Feb. 8, 1889.

We: Jacob Guthrie, Acting for the Cherokee Shawnee Indians, and James G. Dickson, U.S. Special Indian Agent, do hereby certify that the foregoing census of Cherokee Shawnee Indians, numbered from one (1) to eight hundred and sixty two (862) inclusive as being based upon the Wallace Roll, the Cherokee register of Shawnees, and reports of births and deaths as given by the heads of families, and the Shawnee Business Committy to be correct.

We further certify that, where the ages do not tally with the time elapsed, taken together with the ages registered on the Wallace roll, it was an authorized correction, and that all erasures, corrections and inter lineations were made before signing, Given under our hand the 22 day of July A D. 1896.

Jacob Guthrie

Atty for Cherokee Shawnee.

(see Ex #12)

James G. Dickson

U.S. Special Indian Agt.

12 Exhibits herewith.

D314

DEPARTMENT OF THE INTERIOR, C. F. T.  
Office of Indian Affairs,

Washington, April 9, 1902.

I, W. A. Jones, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true and literal copies of such parts of schedule of names of Shawnee Cherokees made by John W. Wallace, special agent, and approved by the Secretary of the Interior, September 26, 1891; and of the roll of Shawnee Cherokee Indians compiled by James G. Dickson, special agent, dated July 22, 1896, as refer to Sarah E. Browning and her children, together with the certificates of authentication attached thereto.  
as the same appears on file in this Office.

(SEAL)

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

W. S. Jones,

Commissioner,

A.C.T.

D514.

Schedule of names of Shawnee Cherokees, made by John W. Wallace, Special Agent appointed by the Secretary of the Interior, under a clause of the Indian appropriation Act of March 2, 1889, (25 Stats. P. 994) and under his instructions issued July 11, 1889, as entitled to share with the Freedmen and Delawares in the per capita distribution of the sum of seventy five thousand dollars (\$75,000) appropriated by the Act of Congress, approved October 19, 1889, (25 Stats. P. 609) and revised under the supervision of this Office.

(SEAL)

WALLACE ROLL.

SHAWNEE CHEROKEES.

Office No.	Wallace No.	Cherokee No.	Names	Age	Sex.	Residence.
260	583	327	Flint, Sarah Ellen,	30	F.	Cherokee Nation

Remarks:  
If alive Mch. 3, 83; evid lacking.  
Wife of Browning?

(SEAL)

D 314.

Department of the Interior.

Office Indian Affairs

September 25th 1891.

The foregoing schedule, from page 59 to page 97 inclusive, containing the names of 694 Shawnee Cherokees, who are, or have been recognized as such by the Cherokee authorities, or were admitted by Special Agent John W. Wallace; and the children of such Shawnee Cherokees; as entitled to share, (with the Freedmen and Delawares) in the percapita distribution of the sum of seventy five thousand dollars appropriated as aforesaid, and as in said Act provided; and I respectfully submit the same, with the recommendation that it be approved by you, and that a percapita payment of fifteen dollars and fifty cents (15.50) be made to each of said claimants, or their representative; that being the sum which each is entitled to receive under the law.

B. V. Belt,

Acting Commissioner.

Department of the Interior

September 26 1891

(SEAL)

The foregoing schedule of 694 names from page 59 to page 97 inclusive is hereby approved as recommended.

John W. Noble,

Secretary.

D 314.

DICKSON ROLL.

SHAWNEE CHEROKEES.

Office Cherokee Present		Name		Age. Sex. Present Address	
No.	No.				
260	327	142	Browning Sarah E. head.	36	F. Seneca Mo.
		143	" Thomas E., son	11	M.
		144	" Ben F., son	9	M.
			" Esther, dau.		

Remarks:

Nee Flint.

Born Jan. 29, 1885.

" Dec. 21, 1888.

" Feb. 8, 1889.

(SEAL)



D 314.

We: Jacob Guthrie, Acting for the Cherokee Shawnee Indians, and  
~~James G. Dickson, U. S. Special Indian Agent, do hereby certify that~~  
the foregoing census of Cherokee Shawnee Indians, numbered from one  
(1) to eight hundred and sixty two (862) inclusive as being based  
upon the Wallace Roll, the Cherokee register of Shawnees, and re-  
ports of births and deaths as given by the heads of families, and  
the Shawnee Business Committee to be correct.

We further certify that, where the ages do not tally with the time  
elapsed, taken together with the ages registered on the Wallace Roll,  
it was an authorized correction, and that all erasures, corrections  
and inter lineations were made before signing, Given under our hand  
the 22 day of July A D. 1896.

Jacob Guthrie

Atty for Cherokee Shawnee.

(see Ex #12)

James G. Dickson

U. S. Special Indian Agt.

12 Exhibits herewith.

(SEAL)

B314.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washago, I. T.,

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of November, 1902.

  
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Parham for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, William D. Parham appeared before the Commission at Claremore, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. The testimony taken at Tahlequah, Indian Territory, on December 13, 1900, in the matter of the application of Emma E. Parham et al for enrollment as citizens by blood of the Cherokee Nation, was on said date ordered filed herein and made a part of the record in this case. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 6, 1902.

The evidence shows that on October 2, 1891, the applicant, a White man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation to Mrs. Emma Mills, a citizen of the Cherokee Nation. She had been previously married to a man named Mills, who died prior to her marriage to this applicant. Her maiden name was Weitzel, and by that name she is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee. She is identified by her present name on the 1890 census roll of said Nation as a native Cherokee. The applicant is also identified on the said 1896 census roll as an adopted White.

The evidence further shows that in September 1900 the applicant, by his cruel and abusive treatment of his wife, drove her away from him; and that she has since applied for and been granted a divorce from him by the United States Court for the Northern District of the Indian Territory, sitting at Vinita. It is considered that the acts of the applicant in causing and procuring the said separation through his own misconduct, constitute an abandonment on his part.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 498), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws". Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides as follows:

"Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation".

It is therefore the opinion of this Commission that the application of William D. Parham for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

1902

71

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
FEB 22 1902

COMMISSIONERS

HENRY L. DAWES  
TAMM BERRY  
THOMAS S. NEEDLES  
C. R. BRIDGEMAN

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mr. William D. Parham,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-673  
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

CC-1  
Cherokee D 673.

Muskogee, Indian Territory, July 29, 1902.

Wm. D. Parham,

Claremore, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. C. C. C.*  
Commissioner in Charge.

Register.

Enc. C. No. 40.

COPY

Cherokee D 673.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William D. Parham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. Needles

Commissioner in Charge.

Enc. C. No. 41.

COPY

Cherokee D 673.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William D. Parham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

J. E. Needles,  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 42.



Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William D. Parham for enrollment as a citizen by intermarriage of the Cherokee Nation.

It is shown by the evidence that applicant was married October 2, 1891, in accordance with Cherokee laws to Mrs. Emma Mills, a citizen of the Cherokee Nation, who is identified on the 1880 and 1896 Cherokee rolls. It is further shown that in September 1900, Parham, by his cruel treatment of his wife drove her from him; that she has since applied for and has been granted a divorce by the U. S. District Court for the Northern District of Indian Territory.

In the opinion of the Commission the applicant's actions constituted an abandonment and therefore refused to place his name on the roll. The office agrees with the Commission and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14395-1902.

L. R. S.

51763

EAF.

ITD. 4962-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 29, 1902, you transmitted the record in matter of application of William D. parham for enrollment as an intermarried Cherokee citizen, and your decision of the same date.

The evidence shows that applicant in 1891 married Mrs. Emma Mills, a Cherokee woman identified on the 1880 and 1896 tribal rolls, and he is identified on the 1896 roll as an adopted white; that in September, 1900, the applicant by his cruel and abusive treatment of his wife drove her from him, and she has since been granted a divorce by the U. S. Court. You held July 29, 1902, that applicant's acts constitute an abandonment by him of his wife, and referring to section 667 of the compiled Cherokee laws (1892), you denied the application.

In forwarding the papers August 13th the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

Cherokee D 673.

COPY

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of William D. Parham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 28, 1902.

Yours truly,

*Tamc Dixby.*

Acting Chairman.

COPY.

Cherokee D 673.

Muskogee, Indian Territory, September 17, 1902.

William D. Parham,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 28, 1902.

Yours truly,

Acting Chairman.

Copy

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
-SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-689

Muskogee, Indian Territory, November 8, 1902.

William D. Parham,

Claremore, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on October 7, 1883 to Miss Nelly Flint; also certified copy of marriage license and certificate showing the marriage, on September 19, 1900 between P. G. Browning and Elizabeth H. Williams; also certified copy of parts of the Cherokee-Shawnee roll made by John W. Wallace; also certified copy of decree of divorce granted in the case of Emma E. Parham vs. William Parham; also marriage license and certificate showing your marriage, on October 2, 1891, to Mrs. Emma Mill.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

*James B. Hasty*  
Acting Chairman.

Enc. M-167

Department of the Interior.

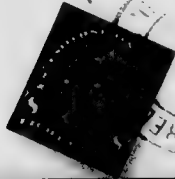
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1815

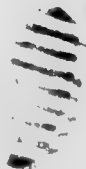


~~Mr. William D. Parham,~~

~~Cherokee, Indian Territory.~~

RECEIVED  
FEB 17 1900  
MUSKOGEE, IND. TER.







Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

William D. Parham,

Claremore,

1882

I. T.



Cher, R 690

Cher R 690

6683  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
OCT 24 1908

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

COOWEESCOOWEE

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

2 Sarah E. Emerson

Dist. COOWEESCOOWEE

Year

Page

No.

Age

3 Georgia

Dist. COOWEESCOOWEE

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

1 in 1880  
2 in 1880  
3 in 1880

Mollie Emerson  
Emma  
J. E. Emerson

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 24, 1900, Margaret J. Emerson appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her daughter, Sarah E. Reel, and her minor child, Georgia Emerson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 31, 1900, and at Muskogee, Indian Territory, on March 7, 1902. Originally application was made for Sarah E. Reel under the name of Sarah E. Emerson, but it was afterwards developed that she was married at the date of the application, and that her correct name is Sarah E. Reel.

It appears that the said Margaret J. Emerson is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Nellie Emerson. The said Sarah E. Reel is identified on that roll under the name of Sarah E. Emerson. She is also identified on the 1894 Pay Roll of the Cherokee Nation under the name of Emma Emerson. It further appears that Georgia Emerson is identified on the 1894 Pay Roll of the Cherokee Nation.

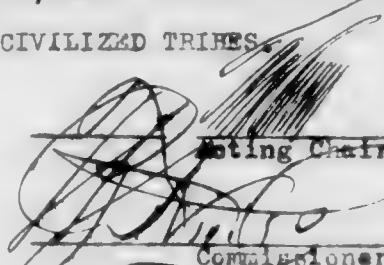
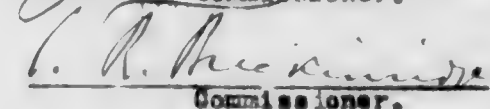
The evidence shows that all those for whom application is here made removed from the Cherokee Nation about five years next before the application herein to the state of California; that they have not returned to and in good faith settled in the Cherokee Nation or Indian Territory, and that they were not residents of the Cherokee Nation or Indian Territory at the date of the application herein.

Par. 9, Sec. 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, and the application for the enrollment of Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.

Muskogee, Indian Territory,

this

JUL 1 1902

C7B

Cherokee R 690  
(D 683)

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sarah K. Reel et al., as citizens by blood of the Cherokee Nation.

---

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, on October 24, 1900, Margaret J. Emerson appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Sarah K. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, October 31, 1900, and at Muskogee, Indian Territory, March 7, 1902.

The records further show that on July 16, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicants the right to enrollment as citizens of the Cherokee Nation, which decision was, on August 16, 1902 (I.T.D. 4639-1902), duly approved by the Department. Thereafter, on March 7, 1904, on request of the Commission to the Five Civilized Tribes, the Department rescinded its decision affirming the decision of said Commission, and returned said case for readjudication (I.T.D. 4639-1902, 7162-1903).

The said Margaret J. Emerson claims the right to enrollment only as a citizen by intermarriage, and as the status of intermarried citizens is not at this time fixed, her rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That Sarah K. Reel and Georgia Emerson are Cherokees by blood, that they were born in the

C7B

Cherokee R 690  
(D 685)

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
Sarah E. Reel et al., as citizens by blood of the Cherokee Nation.

---1---

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, on October 24, 1900, Margaret J. Emerson appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, October 31, 1900, and at Muskogee, Indian Territory, March 7, 1902.

The records further show that on July 16, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicants the right to enrollment as citizens of the Cherokee Nation, which decision was, on August 16, 1902 (I.T.D. 4639-1902), duly approved by the Department. Thereafter, on March 7, 1904, on request of the Commission to the Five Civilized Tribes, the Department rescinded its decision affirming the decision of said Commission, and returned said case for readjudication (I.T.D. 4639-1902, 7162-1903).

The said Margaret J. Emerson claims the right to enrollment only as a citizen by intermarriage, and as the status of intermarried citizens is not at this time fixed, her rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That Sarah E. Reel and Georgia Emerson are Cherokees by blood, that they were born in the

Cherokee Nation during the years 1880 and 1884, respectively, and from the date of their births until the year 1895 continuously resided therein, that in 1895 they left said Nation with their parents, and went to the state of California, where they have since continuously resided, and neither they nor their parents have owned or controlled any property in the Cherokee Nation.

The applicant Sarah E. Reel is identified on the Cherokee authenticated tribal roll of 1880, and both of said applicants are identified on the Cherokee Strip payment roll of 1894.

Paragraph nine of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), in part, provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship; ....."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Mary L. Strickland et al., (I.T.D. 18216-1905), Nellie Walker Litton et al. (I.T.D. 15258, 18212-1905), Hubert Henry et al. (I.T.D. 10072, 18218-1905) and Dock Davis et al. (I.T.D. 10726, 18214-1905), under the provisions of Paragraph nine, section twenty-one of the Act of Congress above noted, Sarah E. Reel and Georgia Maersden are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,  
this FEB 26 1906

Department of the Interior  
Commissioner of the Land  
Office

C) General Dikes  
in re application of  
Wm Emerson, Emma Paul  
ne Emerson, Georgia  
Williams ne Emerson  
and Lola Williams to  
be enrolled as citizens  
of the Cherokee Nation

Application

INTERIOR  
D

506  
No. 9981  
INDIAN TERRITORY DIVISION

Genlly, Lemm, & Smith  
Muskegon, Mich.  
Attorneys for Applicants



THE DEPARTMENT OF THE INTERIOR,  
~~THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~

In Re Application of G. W. Emerson, Emma Reel nee Emerson, Georgia Williams nee Emerson, and Lola Williams, child of Georgia Williams, to be enrolled as citizens of the Cherokee Nation of Indians in the Indian Territory.

Comes G. W. Emerson, of Vinita, Indian Territory, for himself and on behalf of his children, Emma Reel nee Emerson, Georgia Williams nee Emerson, and his grandchild, Lola Williams, an infant, and respectfully requests that he and they be duly enrolled and recognized as citizens by blood of the Cherokee Nation of Indians in the Indian Territory.

In support of this petition, your petitioner states that he is a Cherokee Indian by blood, and a resident of the Indian Territory; that his name appears upon the roll of citizens of the Cherokee Nation of Cooweescoowee District, on page 96, opposite number 1008; that he is a half blood Cherokee citizen, and is of the age of 55 years; that the other applicants herein named are Cherokee Indians by blood, and are his lawful descendants, and are entitled to citizenship in the Cherokee Nation.

Wherefore your petitioner prays that he, together with said Emma Reel, Georgia Williams and Lola Williams, be duly enrolled and recognized as citizens of the Cherokee Nation of Indians.

G. W. Emerson

United States of America, )  
Indian Territory, ) ss.  
Western Judicial District.)

G. W. Emerson, of Vinita, Indian Territory, being duly sworn  
deposes and says:

That he is the father of Emma Reel, Georgia Williams, and the  
grandfather of Lola Williams, and is duly authorized to appear and  
make this petition for them; that he has read and is familiar with  
the matters and things therein contained, and that the same are true.

Subscribed and sworn to before me this 30<sup>th</sup> day of July, 1906.

J. E. Bufington  
Notary Public.

CC

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Margaret J. Emerson for enrollment as a citizen by intermarriage of the Cherokee Nation.

## D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 24, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, October 31, 1900 and Muskogee, Indian Territory, March 7, 1902.

THE RECORDS OF THIS OFFICE FURTHER SHOW: That on March 23, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of G. W. Emerson, husband of this applicant, as a citizen by blood of the Cherokee Nation, for the reason that said applicant had removed from the Cherokee Nation to the State of California, where he continued to reside, up to and including September 1, 1902. Said action of March 23, 1905 was duly approved by the Department on August 10, 1905 (I.T.D. 3568, 8844-1905); that on February 26, 1906, the Commissioner to the Five Civilized Tribes denied the application for the enrollment of Sarah E. Reel, formerly Emerson, and Georgia Emerson, as citizens by blood of the Cherokee Nation, for the same reason as the said G. W. Emerson was denied, which action was duly approved by the Department, January 17, 1907 (I.T.D. 618-1907).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Margaret J. Emerson, is a white woman and claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her marriage to the above named G.W. Emerson; that in 1895 the said Margaret J. Emerson, G. W. Emerson and their two children, the said Sarah E Emerson, now Reel, and Georgia Emerson, removed to the State of California where they have since continuously resided and have not returned to and settled in good faith in the Cherokee Nation or Indian Territory.

A portion of section 2, of Article 1 of the Constitution of the Cherokee Nation, provides as follows:

"... that, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; "

Paragraph 9 of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), in part, provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship... ."

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Denial Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Margaret J. Emerson, is not entitled under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED: *Tams Bixby.*  
Commissioner

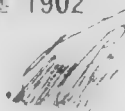
Dated at Muskogee, Indian Territory

this FEB 19 1907

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 21 1902



COMMISSIONERS

HENRY L. DAWES  
TAMS BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

Mrs. Margaret J. Emerson,  
Los Angeles, California,

Madam:-

You are hereby notified that the application of yourself and two minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-683  
Register.

Yours truly,

Acting Chairman  
~~XXXXXXXXXXXX~~

Commodore in Charge.

Cherokee D-683.

~~Claremore, Indian Territory, July 18, 1902.~~

Margaret J. Emerson,

Los Angeles, California.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your two daughters, Sarah E. Beal and Georgia Emerson, as citizens by blood of the Cherokee Nation.

A copy of the record of proceedings had in this case has heretofore been furnished your attorney of record, J. M. Laffay, Claremore, Indian Territory, and a copy of the decision has this day been mailed to him.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enc. H-4.

Ocharakee D-683.

Muskogee, Indian Territory, July 16, 1902.

J. M. LaHay, Esq.,

Attorney for Margaret J. Emerson, et al,

Claremore, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two children, Sarah M. Beal and Georgia Emerson, as citizens by blood of the Cherokee Nation.

A copy of the record of proceedings had in the case has heretofore been furnished you.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.  
Enc. H-5.



COPY.

Cherokee D-663.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage and for the enrollment of her two daughters, Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*James D. Dink*

Acting Chairman.

Enc. H-6.

Cherokee D-683.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two daughters, Sarah E. Reel and Georgia Emerson, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Very respectfully,

Through the Commissioner  
of Indian Affairs.

Acting Chairman.

1 inclosure.

H-7.

( C O P Y )

DEPARTMENT OF THE INTERIOR

Refer in reply  
to the following :

Land  
42,718-1902.  
(Copy)

Office of Indian Affairs,

Washington, July 30, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith , a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding for the Department's consideration the record relative to the application of Margaret J. Emerson for the enrollment of herself, as a citizen by intermarriage, and her minor children, Sarah Reel and Georgia Emerson, as citizens by blood , of the Cherokee nation.

The record in this case shows that the names of these applicants appear on the 1880 roll , the principal applicant being a citizen of the Cherokee Nation, by intermarriage.

These parties on June 28, 1898, and at the date of their application, October 24, 1900, were citizens of Los Angeles, California.

The Curtis Act declares that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

The same section declares that the Commission shall enroll "all persons now living whose names are found on the 1880 roll."

Considering the provisions of this section together the office believes that the provision first above quoted is a modification of the last above quoted, and that the Commission has no authority to enroll persons whose names appear on the 1880 roll unless they were residents of the Cherokee Nation on June 28, 1898.

If this position is correct the decision of the commission should be approved, and the office so recommends.

Very respectfully,

your obedient servant,

A. C. Tonner,

Acting Commissioner

(G.A.W.)

P.

( C O P Y )

D.C.No. 13540-1902

L R S

49030

ITD. 4639-1902

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

With letter of July 16, 1902, you transmitted the record in the matter of the application for enrollment of Margaret J. Emerson and her daughters Sarah E. Reel and Georgia Emerson, as citizens of the Cherokee Nation

It appears from the evidence that the name of Margaret J. Emerson, under the name of Mollie Emerson, is on the authenticated tribal roll of 1880, as is also the name of Sarah E. Emerson (now Reel); that Georgia Emerson is identified on the 1894 Cherokee pay roll; that the applicants were not on June 28, 1898, and are not now, residents of the Cherokee Nation. You therefore rejected the application.

The Acting Commissioner of Indian Affairs in letter of July 30, 1902, recommends that your decision be approved.

Paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." In view of that provision the Department hereby affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan  
Acting Secretary

1 inclosure.

D.C

Cherokee D 683.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Margaret J. Emerson,

Los Angeles, California.

Madam:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and your two minor children, Sarah E. Reel and Georgia Emerson, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*W. H. H. H.*  
Acting Chairman.

COPY.

Cherokee D. 683.

Muskogee, Indian Territory, September 3, 1902.

J. M. La Hay,

Attorney for Margaret J. Emerson, et al.,

Claremore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, Sarah E. Reel and Georgia Emerson, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cherokee D 683.

COPY

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her two minor children, Sarah E. Reel and Georgia Emerson, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

T.  
Loring Chairman.



D.C. 7839-1904

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD. 4639-1902  
7162-1903.

March 7, 1904.

JP  
THE  
LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 21, 1903, you requested that the case involving the application of Margaret J. Emerson, for enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her two children as citizens by blood of said nation, be remanded to you for readjudication "in the light of the Assistant Attorney General's opinion in the Yeargain case." (See opinion of the Assistant Attorney General of March 16, 1903).

It appears that the principal applicant is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and that Sarah E. Reel, one of said children, is identified on that roll. The other child is identified on the 1894 pay roll. It is shown that all of the applicants removed to California from the Cherokee Nation about 1895. Prior to that time they lived in the Cherokee Nation, the two children having been born there.

You rejected the application July 16, 1902, referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495).

-2-

The decision of the Department of August 16, 1902, affirming your decision, is hereby rescinded, and the case remanded in accordance with your request. The testimony and papers attached thereto are inclosed herewith.

Respectfully,

(signed) Thos Ryan

1 inclosure.

Acting Secretary.

Land  
22978-1905.

(COPY)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
WASHINGTON,

April 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 23, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by G.W. Emerson.

March 23, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is an one-half blood Cherokee Indian and is identified upon the 1880 authenticated Cherokee roll.

It further appears that the applicant removed from the Cherokee Nation to California a number of years ago and did not return to said Nation until 1896, when, after a short visit, he returned to California, where he has continued to reside up to and including September 1, 1902. He is not possessed of any property in the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.M.H.

(COPY)

Land  
54512-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON,

July 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose a communication from the Commissioner to the Five Civilized Tribes, dated July 10, 1905, transmitting a supplemental statement in the Cherokee citizen enrollment case of G. W. Emerson omitted from the record by the Commission.

The record was forwarded to the Department April 6, 1905.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.V.  
W.

Muskogee, Indian Territory, February 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of Sarah E. Reel and Georgia Emerson, including the decision of the Commissioner to the Five Civilized Tribes dated February 26, 1906, rejecting said application.

On March 7, 1904 (I.T.D. 4639-1902, 7162-1903), this case was remanded to the Commission to the Five Civilized Tribes for readjudication.

Respectfully,

Incl. 8-44

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

Cherokee R-690.

Muskogee, Indian Territory, February 26, 1906.

Joe M. LaHay,

Attorney for Margaret J. Emerson, et al.,  
Claremore, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting the application for the enrollment of Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Incl. S-42

Acting Commissioner.

Cherokee R-690.

Muskogee, Indian Territory, February 26, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting the application for the enrollment of Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-43

Acting Commissioner.

Cherokee R-690.

Muskogee, Indian Territory, February 26, 1906.

Margaret J. Emerson,  
Lordsburg, California.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting your application for the enrollment of your children, Sarah E. Reel and Georgia Emerson, as citizens by blood of the Cherokee Nation. Your attorney, Joe M. LaHay, has heretofore been furnished a copy of the record of proceedings in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. S-45  
Register

Acting Commissioner.



J.W.G.

JF Jr.

D.C. 36060

DEPARTMENT OF THE INTERIOR,  
WASHINGTON

I.T.D. 9981-1906.

August 18, 1906.

L R S.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

There is inclosed herewith for your appropriation  
action applications of G. W. Emerson, Emma Reel, nee  
Emerson, Georgia Williams, nee Emerson, and Lola Williams,  
child of Georgia Williams, to be enrolled as citizens of  
the Cherokee Nation.

Respectfully,

(Signed) Edward W. Dawson

2 inclosures.

Chief Clerk

Through the Commissioner  
of Indian Affairs.

Cherokee  
R. 690

Muskogee, Indian Territory, August 18, 1906.

Zevely, Givens & Smith,

Attorneys for G. W. Emerson, et al.

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of your two letters of August 1, 1906, in one of which you state you enclose applications of G. W. Emerson, Emma Reel, and Georgia and Lola Williams for enrollment as citizens of the Cherokee Nation, and in the other you state you enclose a motion of G. W. Emerson for a rehearing in the matter of his Cherokee enrollment case.

You are advised that the motion of G. W. Emerson for a rehearing, referred to, was received with its proper letter, and with the letter concerning the applications for the enrollment of the persons mentioned, a carbon copy of the motion of G. W. Emerson, was received. A careful examination of the records of this office fails to show that the applications for the enrollment of the above named persons as Cherokee citizens, have been received.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of August 18, 1906 (I. T.D. 9981-1906), enclosing for appropriate action "applications of G. W. Emerson, Emma Reel, nee Emerson, Georgia Williams, nee Emerson, and Lola Williams, child of Georgia Williams, to be enrolled as citizens of the Cherokee Nation."

The records of this office show that on August 10, 1906 (I.T.D. 3568,8844-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated March 23, 1906, rejecting the application for the enrollment of G. W. Emerson as a citizen by blood of the Cherokee Nation. The "applications" of said parties for enrollment were not received in the Department until August 8, 1906, and in view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), relative to the filing of motions to reopen and review citizenship cases, it

Secretary--2.

does not appear that there is any authority for further considering the application of G. W. Emerson for enrollment as a citizen of the Cherokee Nation. On August 16, 1906, this office transmitted for filing with the records in the case, a motion made by the applicant, G. W. Emerson for a rehearing in his case.

On February 26, 1906, this office transmitted to the Department the record of proceedings had in the matter of the application for the enrollment as citizens of the Cherokee Nation of Sarah P. Reel, nee Emerson, and Georgia Emerson, together with the Commissioner's decision of that date rejecting said application. There appears to be nothing in the document transmitted with the Department's letter of August 18, 1906, in regard to Emma Reel and Georgia Emerson (now Williams), which was not considered when the decision was rendered in the case, and the document is enclosed for filing with the record of proceedings had therein.

In regard to the child, Lola Williams, alleged infant child of Georgia Williams, nee Emerson, the record of this office fail to show that an application in any form was made for the enrollment of said child as a citizen of the Cherokee Nation prior to August 6, 1906, at which time a letter, dated August 1, 1906, was received from Levey, Givens

Secretary--3.

and Smith, attorneys for the claimants, G. W. Emerson, et al, in which mention was made of applications for the enrollment of G. W. Emerson, Emma Reed and Georgia and Lola Williams, being enclosed. Said "applications" were not received with their letter, and it is evident that the "applications" enclosed with the Department's letter of August 18, 1906, are the ones referred to. No application having been made for the enrollment of said Lola Williams within the time limited by the Act of Congress approved April 26, 1906, above referred to, it doesnot appear that there is any authority for receiving or considering the application for her enrollment.

Respectfully,

W.A.

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

Cherokee R 690  
and 954.

Muskogee, Indian Territory, August 29, 1906.

Zevely, Givens and Smith,

Attorneys for G. W. Emerson, et al,

Muskogee, Indian Territory.

Gentlemen:

Referring to this office's letter of August 18, 1906, replying to your two letters of August 1, 1906, in regard to a motion for a rehearing in the Cherokee case of G. W. Emerson and applications for the enrollment of G. W. Emerson, ~~Emma~~Reel and Georgia and Lola Williams, as citizens of the Cherokee Nation, you are advised that this office is in receipt of Departmental letter of August 18, 1906 (I.T.D. 9981-1906), enclosing said applications for their enrollment.

The records of this office show that the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of G. W. Emerson, was affirmed by the Department on August 10, 1905. In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), it does not appear that this office or the Department has any authority to further consider the application of G. W. Emerson as a citizen of the Cherokee Nation.

On February 26, 1906, the decision of this office of that date, rejecting the application for the enrollment of Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation, was forwarded to the Department, where the same is now pending.

The records of this office fail to show that any application was made prior to the receipt of your letter of August 1, 1906, for the enrollment of Lola Williams as a citizen of the Cherokee Nation, and no application having been made for her enrollment within the time limited by the Act of Congress approved April 26, 1906, above referred to, it does not appear that this office has any authority to consider an application for her enrollment.

The applications of these parties for enrollment as Cherokee citizens have this day been transmitted to the Department for consideration and appropriate action. You will be advised of any further action taken by the Department in the case.

Respectfully,

M.A.

Acting Commissioner.

(COPY)

Land  
63652-1906  
76073-1906

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON.

October 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of August 10, 1905, I.T.D.8844, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes concerning the application for the enrollment of Lola Williams.

Mr Bixby says that the records of his office do not show that application for the enrollment of this child was made prior to August 6, 1906, at which time a letter dated August 1, 1906, was received from Zevely, Givens & Smith, attorneys for the claimants, G. W. Emerson, et al, in which mention was made of the applications for enrollment of G. W. Emerson, Emma Reel, and Georgia and Lola Williams.

He further says that the applications were not received with their letter and that it is evident that those enclosed with the Department's letter of August 18, 1906, are the ones referred to.

No application having been made for the enrollment of Lola Williams within the time prescribed by the Act of April 26, 1906, the Acting Commissioner expresses the opinion that



the Government is now without authority to consider any application that may be made or that has been made after the expiration of said time for her enrollment.

The Office concurs in the expression of the Acting Commissioner and the record relative to the application of G. W. Emerson, et al. for enrollment is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

(COPY)

D.C.2253-1907  
I.T.D.19434-1906.

JFJr.

LRB

DEPARTMENT OF THE INTERIOR, I.L.B.

WASHINGTON.

January 9, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On October 3, 1906 (Land 76073), the Indian Office transmitted your report dated August 29, 1906, in reference to "applications" filed by G. W. Emerson, et al. to be enrolled as citizens of the Cherokee Nation.

It appears that on August 10, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, rejecting the application for the enrollment of G. W. Emerson et al. as citizens by blood of the Cherokee Nation.

In view of the provisions of the act of Congress approved, April 26, 1906 (34 Stat. 137), and the fact that said "applications" for enrollment were not received in the Department until August 8, 1906, it would not appear that there is any authority for further consideration of said application.

It does not appear that an application in any form was ever made for Lola Williams, alleged to be the infant child of Georgia Williams, prior to August 8, 1906. No application having been made for the enrollment of said Lola Williams within the time

~~limited by the act of Congress approved April 22, 1906, you con-~~  
sider there is no authority for receiving her application for  
enrollment.

The Indian Office concurs in your recommendation. A copy  
of its letter is inclosed.

The Department considers your recommendations correct, and  
they are hereby approved.

The papers in the case have been sent to the Indian Office  
for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 8 to Ind. Of.

Copy

LAND:  
19100-1900

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir; Referring to Department letters (I.T.D. 4630-1903) and (I.T.D. 7162-1903), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 26, 1906, transmitting the record relative to the application of Sarah E. Reel, et al., for enrollment as citizens of the Cherokee Nation.

On October 24, 1900, Margaret J. Emerson applied to the Commission to the Five Civilized Tribes for the enrollment of her children, Sarah E. Reel and Georgia Emerson, as citizens by blood.

On February 26, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The applicants are the children of George W. Emerson, and Margaret J. Emerson.

The evidence shows that the applicants together with their parents left the Cherokee Nation about 1886 and have since resided in the State of California.

As the father of the applicants through whom they claim the right to be enrolled as citizens of the Cherokee Nation removed his effects from that Nation it is considered that he has expatriated his citizenship in view of Section 20 of Article 1 of the Cherokee Constitution.

The decision of the Commission adverse to the applicants  
is recommended for approval.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

END

6

D.M.

DEPARTMENT OF THE INTERIOR, ILS

WASHINGTON.

I.T.D. 613-1907.

January 17, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

February 26, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Sarah H. Reel and Georgia Harrison as citizens by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicants.

Reporting January 10, 1907 (Land 19100-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Theo. Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

**Cherokee B-499**

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



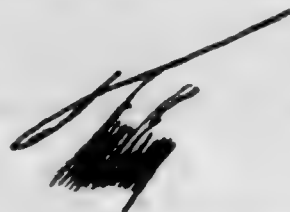
Muskogee, Indian Territory, January 19, 1907.

Margaret J. Emerson,  
Seldsburg, California.

Dear Madam:

You are hereby advised that a motion, filed by your attorneys, for a rehearing of the Cherokee enrollment case of yourself, et al., was denied by the Secretary of the Interior, January 9, 1907.

Respectfully,



Commissioner.

JEM

Cherokee  
R-86

Muskogee, Indian Territory, January 19, 1907.

Sevely, Givens & Smith,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that a motion for a rehearing in the Cherokee enrollment case of G. W. Emerson, et al., was denied by the Secretary of the Interior, January 9, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-71  
JMH

Commissioner.



Cherokee  
R-954

Muskogee, Indian Territory, January 19, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee enrollment case of G. W. Emerson, et al., was denied by the Secretary of the Interior, January 9, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-72  
JMH

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee  
R 690

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1907.

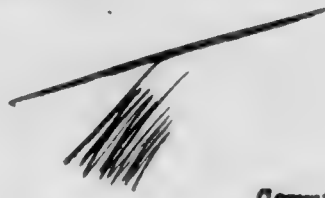
Sarah E. Reel,

Goldsburg, California.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting the application for the enrollment of yourself and sister, Georgia Emerson, as citizens by blood of the Cherokee Nation, was on January 17, 1907, affirmed by the Secretary of the Interior.

Respectfully,



GHL

Commissioner.

Cherokee

H 690

Muskogee, Indian Territory, January 29, 1907.

J. W. LaHay,

Attorney for Sarah E. Reel, et al.,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting the application for the enrollment of Sarah E. Reel and Georgia Emerson, as citizens by blood of the Cherokee Nation, was on January 17, 1907, affirmed by the Secretary of the Interior.

For your information there is inclosed herewith a copy of the Departmental decision referred to.

Respectfully,

Incl. GL-70.  
GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 690.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

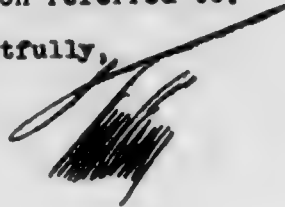
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, rejecting the application for the enrollment of Sarah E. Reel and Georgia Emerson, as citizens by blood of the Cherokee Nation, was on January 17, 1907, affirmed by the Secretary of the Interior.

For your information there is inclosed herewith a copy of the Departmental decision referred to.

Respectfully,



Incl. GL-71.  
GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R690

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

Margaret J. Emerson,  
Goldsburg, California.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-121

RPI

Register.

Copy--COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land.  
18379-1907

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, rejecting the application.

The applicant herein is a white woman and has no rights to enrollment as a citizen by intermarriage of the Cherokee Nation except such as she acquired by reason of her marriage to G. W. Emerson. The record shows that the application for the enrollment of Emerson as a citizen by blood of the Cherokee Nation was denied on March 23, 1905, and that thereafter he and the applicant and his family removed to the State of California, where they have resided continuously to the present time.

The Office is therefore of the opinion that the decision of the Commissioner rejecting the application for the enrollment of Margaret J. Emerson is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

EWE-D

D.C.12637

LRS

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J. P.

O.K.

I. T. D.

March 2, 1907.

5846, 5982, 5984, 5986,  
5992, 6004, 6006, 6010,  
6014, 6016, 6018, 6024,  
6028, 6030, 6032, 6034,  
6072, 6098, 6104-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases  
adverse to the applicants are hereby affirmed. Copies of  
Indian Office letters submitting your reports and recommending  
that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Elizabeth Davis,	February 14, 1907.
James C. Williamson,	February 19, 1907.
Ruth A. Davis,	February 19, 1907.
Edipher Nicholas,	February 19, 1907.
Robert A. Abney,	February 19, 1907.
Wakepeace Miller,	February 19, 1907.
Margaret J. Emerson,	February 19, 1907.
Sarah F. Miller,	February 19, 1907.
William Clifford Dawson,	February 14, 1907.
Lorene and Preston Davis Smith,	February 21, 1907.
Rosa Haynes (Freedman),	February 23, 1907.
Willie Fletcher Hurst,	February 17, 1907.
John W. Chandler,	February 23, 1907.
Laura Coats,	February 21, 1907.
Charlotte E. Bonds,	February 15, 1907.
Thomas Jacob et al.,	February 18, 1907.
Elizabeth and Charles Colbert (Freedmen)	February 21, 1907.
Frank E. Brandon,	February 17, 1907.
Rexie Hill (Freedman),	February 18, 1907.
	February 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office,

Respectfully,

(Signed) Jesse E. Wilson,  
Assistant Secretary.

19 inc. and 38 inc.  
to Ind. Of.

A Y Mo

3-2-07.



REFER IN REPLY TO THE FOLLOWING:

Cherokee R 620

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

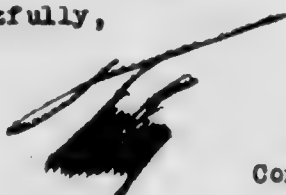
Muskogee, Indian Territory, March 11, 1907.

Margaret J. Emerson,  
Goldsburg, California.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,



JMH

Commissioner.

Muskogee, Indian Territory, March 11, 1907.

J. M. LaHay,

Attorney for Margaret J. Emerson,  
Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-55  
JMH

SIGNED *Tams B. B.*  
Commissioner.

Cherokee R 690

AD00

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

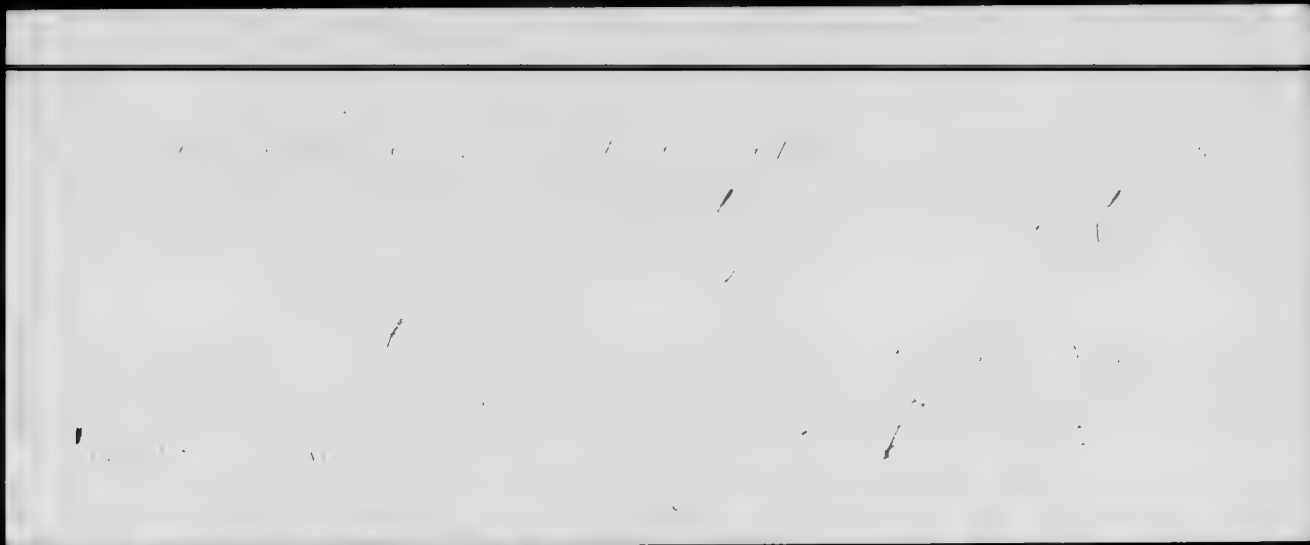
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,  
Commissioner.

Encl. H-86  
JMH



E

21 6-3

MMISCO

FOUNDED 1877

FILED

MAR 7 1902

MAR 7 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the  
matter of the application of *Margaret F. Emerson, et al*

for enrollment as *citizens*

Cherokee

No. *10683*

of the Cherokee Nation.

*John S. Hay*  
*Atty for applicants*

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

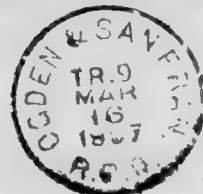
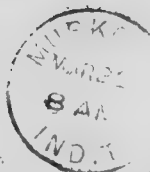


MAR 1 - 1907

44931  
RETURNED TO WRITER.  
UNCLAIMED  
from  
Margaret J. ANGLES  
P. O. Box 100  
Goldsboro, N. C.  
MISSISSIPPI  
50  
1907  
California.

SEC  
MAR 5 1907

Old for folder address. dis 2/25 07





*Out*  
CHEROKEE CASE

No. D-683.

*R 695*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

Margaret J. Emerson,

Sarah E. Reel,

Georgia Emerson.

FILED

1862

1740

*As Citizens of the Cherokee Nation*  
*S. Reel*

Muskogee, I. T. July 11, 1902.

Respectfully forwarded to the Secretary of the Commission  
for review

T. J. [illegible]

[illegible]

Cher R 691

Cher R 691

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., October 26, 1900.

In the matter of the application of John W. Hacker for the enrollment of himself as a Cherokee by intermarriage and his wife and two children as Cherokees by blood; he appearing before the Commission, and being sworn and examined, he testified as follows:

- Q What is your name? A John W. Hacker.
- Q What is your age? A 33 I think.
- Q What is your post office? A Foyil.
- Q Do you make application as a Cherokee by blood? A No, sir, adopted.
- Q For whom do you apply, who do you want to enroll? A Myself and family.
- Q What does your family consist of? A My wife and children.
- Q What district do you live? A Cooweescoowee.
- Q How long have you lived there? A 13 years.
- Q Where did you live prior to that? A Kansas.
- Q How long have you lived in the Cherokee Nation? A About 14 or 15 years.
- Q Have you lived continuously in the Cherokee Nation ever since you came here 15 years ago? A Yes; I have been away at work.
- Q Have you been outside of the Cherokee Nation within the past few years, and for what purpose? A Not since I was married; I was off at work before I was married, but since then I have remained right here.
- Q When were you married? A In 1894.
- Q Have you lived continuously in the Cherokee Nation since 1894? A Yes, sir.
- Q What was the name of your father? A Elhannon Hacker.
- Q Is he living? A Yes, sir.
- Q What was your mother's name? A Kissiah Hacker.
- Q She living? A Yes, sir.
- Q Your parents never claimed to be citizens of the Cherokee Nation? A No, sir.
- Q What is the name of your wife? A Frances Lanna Hacker.
- Q How old is your wife? A 19 and past.
- Q Is she a Cherokee by blood? A Yes, sir.
- Q What was her father's name? A John Morris.
- Q He living? A Yes, sir.
- Q Is he a Cherokee by blood? A Yes, sir.
- Q What is your wife's mother's name? A Susie Harris.
- Q She living? A Yes, sir.
- Q She a Cherokee by blood? A Yes, sir, she just enrolled a moment ago.
- Q How long has your wife lived in the Cherokee Nation? A She was born and raised here.
- Q Has she ever lived outside the Cherokee Nation? A No, sir.
- Q Have you any evidence of your marriage to your present wife? A Yes, sir; that is proof for our baby too.
- (The applicant presents a certified copy of the marriage records showing that license was granted to J. W. Hacker, a citizen of the United States, to marry Miss F. S. Morris, a citizen of the Cherokee Nation, on the 20th day of April, 1894. The record also shows that the marriage ceremony was performed by John B. Bishop on the 22nd day of April, 1894; signed by Joe M. LaHay, Clerk of Cooweescoowee district, Cherokee Nation. The marriage license and certificate are filed herewith.)
- Q Have you lived continuously and with your wife up until the present time? A Yes, sir.
- Q Were you ever married before you married this woman? A Yes, sir.
- Q What was the name of your first wife? A Louisa Walter.
- Q Is she living or dead? A I don't know which.
- Q When were you married to her? A I don't remember just what, it

John W. Hacker - 2.

was about two years before I married my second wife, two years after we parted.

Q How long did you live with your first wife? A Three months.

Q Were you ever divorced from her? A Yes, sir.

Q Have you any evidence of your divorce? A Not here; I sent it in to the Chief when I sent my license; Mr. LaHay put them in and sent them to the Chief.

Q Did your first wife leave you or did you leave her? A She left me; it was rather a civil separation.

Q What was the cause of the separation? A Well, I hardly know.

Q Did you abuse her or she abuse you? A No, we didn't abuse each other, we just agreed to disagree and separate; she was a nice woman.

Q You state that you have lived with your present wife since you married her in 1894? A I have been with her ever since she was 6 years old in fact.

Q Have you any children for whom you desire to make application?

A Yes, sir.

Q What was the name of the oldest one? A Almon R., he was about 3 years old in June.

Q What is the name of the next one? A William McKinley, about 6 or 7 months old, he was born in March.

Q These children both alive and living with you at the present time? A Yes, sir.

Q You are the father of the children? A Yes, sir.

Q Your present wife is the mother? A Yes, sir.

Q What district did your wife's parents live in in 1880? A I don't know.

Q Does your wife's name appear upon the 1880 roll, her mother's name I mean? A Yes, sir.

Q What was her mother's name in 1880? A Sixkiller I think.

Q Your wife the daughter of Susan Sixkiller? A Yes, sir.

(Susan Sixkiller on 1880 roll, page 471, No. 1509, Susan Sixkiller, Going Snake district. John Morris on 1880 roll, page 451, No. 1087, Going Snake district. John W. Hacker on 1896 roll, page 308, No. 462, Cooweescoowee district. Frances L. Hacker on 1896 roll, page 176, No. 2209, Frances Hacker, Cooweescoowee district.)

Q Your first wife was a white woman? A Yes, sir.

The applicant applies for the enrollment of himself, his wife and two children. He is identified upon the census roll of 1896 as an adopted white. He produced evidence of his marriage in accordance with the laws and customs of the Cherokee Nation to one Miss F. S. Morris, a citizen of the Cherokee Nation, on the 22nd day of April, 1894. He avers that he was formerly married to one Louisa Walter. He lived with her but a short time, and they agreed to separate. He produces no evidence as to his divorce from his former wife, and consequently will be placed upon what is known as a doubtful card for the future consideration of the Commission. He makes satisfactory proof as to his residence in the Cherokee Nation since 1894. His wife, Frances L., is not identified upon the roll of 1880, having been born since said roll was compiled. The names of her father and mother both appear upon the authenticated roll of 1880 as native Cherokees. The applicant's wife is identified upon the census roll of 1896, and satisfactory proof as to her residence in the Cherokee Nation having been given, she will be listed for enrollment as a Cherokee by blood. As to the application which he makes on behalf of his two children, their names do not appear upon the census roll of 1896, having been born since said roll was compiled. When he filed with the Commission properly executed affidavits as to the births of these two children, they will also be listed for enrollment as Cherokees by blood. The applicant's wife has resided in the Cherokee Nation continuously since her birth.

John V. Hacker - E.

George S. Jones, being duly sworn, says that he is a member of the Commission to the New Civilized Society and has examined the proceedings and testimony in the above case and that the same is a true and accurate transcript of the proceedings and testimony.

*Respectfully*  
Sworn to and subscribed before me this 27th of January, 1900.

*M. H. H.*

Commissioner.

10000

MISS. O.

NOV 26 1900

~~RECEIVED~~

MISS. O.

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

OCT 26 1900

1900.

Name

John W. Hacker

Date

OCT 26 1900

1900.

District

COOWEESCOOWEE.

Year

1896

Page

308

No.

662

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Wife's name

Anna C. H. H.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Rec'd of Record between John W. Hacker and his first wife to be supplied.



R

C. D-717

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John W. Hacker for enrollment as a Cherokee citizen.

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 7, 1902, appears in person.

JOHN W. HACKER, being first duly sworn, and being examined testified as follows:

By Commission:

Q What is your name? A John W. Hacker.

Q How old are you? A 35.

Q What is your post-office address? A Foyil.

Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

Q You were placed upon a doubtful card by the Commission for the reason that you failed to supply evidence of your divorce from your former wife? A Yes sir, for a short time; but I was taken off.

BY COMMISSION: The applicant filed with the Commission on the first day of November, 1900, a certified copy of a decree of divorce between Louisa Hacker and John Hacker; the same has been filed and made part of the record in this case.

Q You submit the case to the Commission do you for final consideration? A Why yes sir, yes, of course.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

----

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the ~~same~~ foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green



JOURNAL CRAWFORD COUNTY DISTRICT COURT.  
SIXTH JUDICIAL DISTRICT, KANSAS.

November Term 1893, November 21st, 1893, Tuesday 27th Judicial Day.

Louisa Hacker Plaintiff

vs  
John W. Hacker Defendant.

No. 4343v Decree of Divorce.

And now on this 21st day of November 1893, the same being the 27th judicial day of the November 1893 term of said Court, came the plaintiff by her attorney William R. Moore and presented to the Court proof, by the affidavit of George C. Mahr one of the printers of the Crawford County Democrat a newspaper printed and published in the County of Crawford in the State of Kansas and of General circulation therein of the publication of notice herein to the said defendant as required by law, and it appearing to the Court that such publication is now complete and has been made in the manner and for the time required by law; that the same was published for six consecutive weeks in said newspaper commencing on the 29th day of June 1893. That the said defendant was thereby notified that he must answer the petition of the plaintiff herein on or before the 15th day of August 1893 or said petition would be taken as true and judgment the nature of which is stated in said notice would be rendered against him herein and that said defendant has thereby had constructive service duly made upon him in this action.

Said proof of notice and publication are now approved by the Court signed by the judge thereof and ordered to be filed with the pleadings and made a part of the record in this case which is done. And said defendant still failing to appear or answer herein and being in default thereupon this cause came on its regular order for trial upon the petition of the plaintiff and the evidence adduced herein and the trial of this cause was proceeded with.

And the court having heard the evidence adduced and being well advised in the premises, now finds for the plaintiff herein and further finds that plaintiff has for more than one year before the commencement of this action been a bona fide resident of the County of Crawford in the State of Kansas, and that said plaintiff and defendant were married as alleged in said plaintiff's petition herein: that said defendant for more than one year next before the commencement of this action has been guilty of gross neglect of duty and extreme cruelty towards this plaintiff and that the maiden name of plaintiff was Louisa Walters.

It is therefore and for the fault of the defendant, now by the court here considered, ordered, adjudged and decreed, that the marriage contract heretofore existing between the said plaintiff and defendant be and the same is hereby set aside and wholly annulled and that the said parties be and they are hereby divorced from each other and forever released from the obligations of said marriage contract.

And it is further adjudged and ordered by the Court that the plaintiff be and she is hereby restored to her maiden name that of Louisa Walters.

And it is by the Court further ordered and adjudged that the plaintiff herein pay the costs herein taxed \$\_\_\_ and that execution issue therefor.

It is further ordered that this decree shall not take effect and be in force until after the expiration of six months from this date and until the costs are fully paid.

State of Kansas

S.S.:-

County of Crawford

I, Frank O'Reilly, Clerk of the District Court in and for the County and State aforesaid, do hereby certify that the above and foregoing is a full, true, correct and complete copy of the

Journal entry of the decree of Divorce, in said action therein entitled, viz: Case No. 4343, Louise Hacker Plaintiff, vs. John W. Hacker Defendant, as the same now appears of record in Journal "U" at page 242, in my office.

I certify further that the costs of said action has been paid and satisfaction of record entered.

(SEAL) Witness my hand and the seal of said Court at my office at Girard, Kansas this 30th day of October 1900.

Francis O'Reilly  
Clerk District Court.  
By Frank Robinson,  
Deputy Clerk.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of John Hacker as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,

May 29, 1902.

MS. Kaufman

Claremo e, I.Ty. Apr. 20th 1894.

Marriage License was granted to J. W. Hacker a citizen of the United States to marry Miss F. S. Morris a citizen of the Cherokee Nation.

His petition signed by the following citizens; J. M. Beard, Joe Rolland, R. C. Walkly, J. M. Sanders, A. S. McDaniel, J. W. Williams, Noolie McCoy, Arch Vann, W. E. Sanders, Jno M. Taylor, Jr., Roe Davis, Lee Sick, J. B. Burgess, Joe M. Lahay, A. G. Ward, Foster L. Wolf.

Marriage ceremony was performed by John B. Bishop on the 22nd day of April 1894.

Recorded May 15th 1894.

Joe M. Lahay,  
Clerk Cooweescowa District.

Executive Department Cherokee Nation.

Tahlequah, I.T. October 18, 1900

I hereby certify that the above and foregoing is a true and correct copy of the marriage record of Cooweescowa District, page 278 which is on file in this office.

J. L. Parks,  
Executive Secretary Cherokee Nation.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of John W. Hacker as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,

May 27, 1902.

M. S. Kaufman

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN T

In the matter of the application for the enrollment of John W. Hacker as a citizen by intermarriage of the Cherokee Nation.

## DECISION.

The record in this case shows that on October 26, 1900, John W. Hacker appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said John W. Hacker was married on April 20, 1894 to Miss F. L. Morris, a citizen by blood of the Cherokee Nation, under authority of a Cherokee marriage license. The evidence further shows that he was previously married to Louisa Walter, and that on November 21, 1893, a decree of divorce was rendered in Crawford County, Kansas, District Court, in the case of Louisa Hacker vs. John W. Hacker, and it was ordered by said Court that the decree should not take effect and be in force until after the expiration of six months from the date of its rendition, and until the costs should be fully paid.

Until the decree is made absolute the marriage is in full force. (Am. & E. Ency. of Law, vol. 8, 838, 1st ed.)

The presumption is that the court in granting the decree of divorce acted within the scope of its jurisdiction.

It appears that the said John W. Hacker was married to Frances L. Hacker within six months from the date of the decree of divorce from his former wife, Louisa.

The said John W. Hacker is identified on the 1896 census Roll of the Cherokee Nation.

The evidence further shows that the said John W. Hacker has lived with his wife, Frances L. Hacker in the Cherokee Nation since his marriage to her, and that he was a resident of the said nation at the date of the application herein.

Section twenty-one of the Act of Congress, approved June 26, 1898 (30 Stat., 425) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living."

Section 662 of said Compiled Laws provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding."

It is therefore the opinion of this Commission that the application for the enrollment of John W. Hacker as a citizen

Cherokee-D-717

by intermarriage of the Cherokee Nation should be denied; and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Lawgee, Indian Territory,

this JUL 29 1902

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 24 1902

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

February 17,

1902.

Mr. John W. Hacker,

Foyil, Indian Territory,

Sir:-

You are hereby notified that the application of

yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-717  
Register?

Acting Chairman.

XXXXXXXXXX

Commissioner in Charge.

Cherokee D 717.

OCT 1

Muskogee, Indian Territory, July 29, 1902.

John W. Hacker,

Poyil, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. H. H. H.*

Commissioner in Charge.

Register.

Enc. C. No. 103.



CCM

Cherokee D 717.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of John W. Hacker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. W. Hastings*

Commissioner in Charge.

Enc. C. No. 104.

CCFV

Cherokee B 717.

Washoe, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John W. Hacker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*I. B. Needles*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure,

C. No. 105.

C O P Y.

Refer in reply to  
the following:  
Land  
43682-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of John W. Hacker for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant, a white man, was married to Louisa Walter, a white woman; that November 21, 1893, a divorce was granted in Crawford County, Kansas, in the name of his wife, and it was ordered by the court that "this decree shall not take effect and be in force until after the expiration of six months from this date."

On April 22, 1894 applicant was married to Miss F. L. Harris, a citizen by blood of the Cherokee Nation, less than six months from the date of the rendition of the decree of divorce above mentioned.

In the opinion of the Commission his second marriage within six months after the date of the said decree of divorce was null and void and the Commission therefore refused to enroll him.

Section 4982 of the General Statutes of Kansas, under the subject "Divorce," provides that:

"It shall be unlawful for either party to such divorce suit to marry any other person within six months from the date of decree of

10717

divorcement-----and every person marrying contrary to the provisions of this section shall be deemed guilty of bigamy and such marriage be absolutely void."

It was held in 4th Kansas Supreme Court Reports, page 145, that the decree does not become final, or operate at a dissolution of the marriage contract until the expiration of six months from the date of rendition thereof, and that the parties thereto are not single or unmarried persons until such decree becomes final and absolute.

In view of the above statutes and decision, the office believes that the opinion of the Commission is correct, and respectfully recommends that the decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

## DEPARTMENT OF THE INTERIOR.

EAT.

ITD.5006-1902.

Washington.

L.R.S.

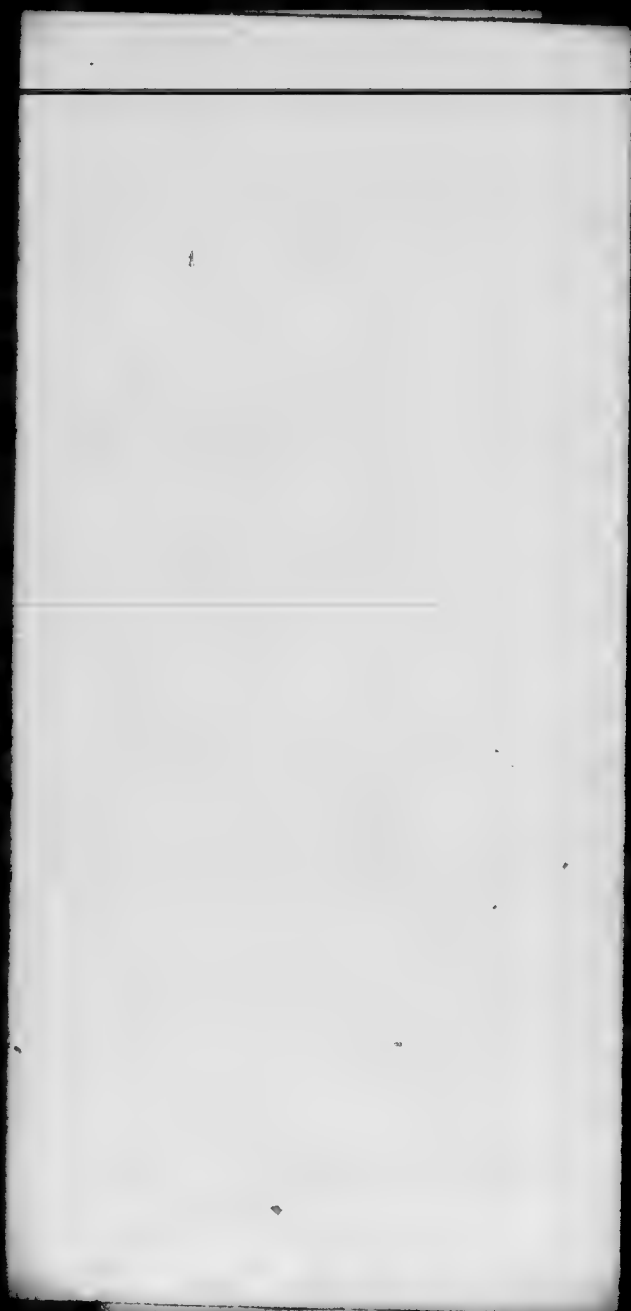
August 29, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application of John W. Hacker for enrollment as an intermarried citizen of the Cherokee Nation.

It is shown by the evidence that applicant, a white man, was married to Louisa Walter, a white woman; that on November 21, 1893, a decree of divorce was rendered in Crawford County, Kansas, district court, in the case of Louisa Hacker vs. John W. Hacker, and it was ordered by the court that the decree should not take effect and be in force until after the expiration of six months from the date of its rendition and until the costs should be fully paid. The evidence also shows that on April 22, 1894, applicant was married according to Cherokee law, to Miss F. L. Morris, a Cherokee citizen by blood; and that his name is on the Cherokee census roll of 1896. Section 667 of the compiled laws of the Cherokee Nation (1892), provides that "No marriage shall be contracted whilst either of the parties has a husband or wife living," and section 692 declares that all such marriages "shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding." You denied the



application.

The Acting Commissioner of Indian Affairs forwarded the papers August 15, 1902, and recommended that your decision be approved.

A copy of his letter is inclosed.

It appearing the applicant had a wife living at the date of his marriage to said Morris, the Department affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary. EMD



COPY  
Cherokee D 717.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of John W. Hacker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

COPY

Cherokee D 717.

Muskogee, Indian Territory, October 7, 1902.

John W. Hacker,  
Woyil, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

Cherokee B-681

Muskogee, Indian Territory, November 7, 1902.

John W. Hacker,

Peyil, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of decree of divorce granted in the case of Louisa Hacker vs. John W. Hacker.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2144

Cher R 692

Cher R 692

...S... DOUBTFUL:

H. ...

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
OKLAHOMA, I.T., OCTOBER 20th, 1900.

In the matter of the application of Hecchiak Bussey for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Bussey being first duly sworn, testified as follows:-  
EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Hecchiak Bussey.  
Q How old are you? A 37.  
Q What is your post office address? A Claremore.  
Q Do you make application for enrollment as a Cherokee citizen by blood? A No, sir.  
Q By adoption? A Yes, sir.  
Q For whom do you make application? A Myself, wife and two children.  
Q What district are you living in? A Coowassee.  
Q How long have you lived there? A Ever since '83.  
Q How long have you lived in the Cherokee Nation? A Since '78.  
Q Have you been outside of the Cherokee Nation for any purpose within past three years? A No, sir, not long at a time.  
Q For what purpose were you gone? A I was selling horses down here at Little Rock.  
Q Simply on business? A Yes, sir.  
Q What is the name of your father? A John R. Bussey.  
Q Is he living? A No, sir.  
Q Was he Cherokee by blood or a white man? A White man.  
Q What is the name of your mother? A Elizabeth.  
Q Is she living? A Yes, sir.  
Q Is she Cherokee by blood or a white woman? A Yes, sir, white woman.  
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No, sir.  
Q The correct name of your present wife is? A Martha.  
Q Is she living? A Yes, sir.  
Q How old is she? A 19.  
Q Is she a Cherokee by blood? A No, sir.  
Q What district does she reside in? A Coowassee.  
Q How long has she lived in the Cherokee Nation? A Born and raised here.  
Q What was the name of her father? A Mack Downing.  
Q Is he living or dead? A Dead.  
Q Was he Cherokee or white man? A White man.  
Q What is the name of your wife's mother? A Eliza.  
Q Is she living? A Yes, sir.  
Q Is she a Cherokee by blood? A Yes, sir.  
Q Have the name of your wife's parents appear upon the authenticated copy of 1880? A I think so.  
Q When were you married to your present wife? A Three years ago last May.  
Q Have you any evidence of your marriage? A That marriage certificate.

THE COMMISSIONER: Applicant presents a MARRIAGE LICENSE as showing the marriage of Hecchiak Bussey to Miss Martha Downing, by date on the 31st day of May, 1897, by James A. ... Clerk of the United States Court, Southern District of Oklahoma, and a certificate showing that said marriage was valid in the Territory, United States Commissioner for the Southern District of Oklahoma, on the 2nd day of May, 1900.

Q When you lived with your wife continuously since you were married last May, sir.

Q Have you ever married before? A Yes, sir.

Q When was that, and where, please state? A ...

Q How long did you live with her? A ...

Q How long after that did you marry your present wife? A ...

**THE COMMISSION:** The applicant presents a marriage license authorizing the marriage of J. E. Russey, a citizen of the United States to Miss Mandy Johnson, a citizen of the Cherokee Nation, as it issued on the 11th day of July, 1886, and certificate showing that said marriage was performed by J. E. Campbell, Deputy Clerk of Cawwawawaw district, on the 11th day of July, 1886. The same is filed herewith.

Q Did you live with your first wife up to the time of her death?

A She and I parted.

Q How long did you live with her? A I think about seven years.

Q Did she leave you or you leave her? A She left me.

Q What was the cause of the separation? A I could not tell you that hardly.

Q Did she allege cruel treatment on your part? A She just got up and went home.

Q Did you secure a divorce? A She did.

Q She brought suit for a divorce and it was granted her? A Yes sir.

Q Have you a copy of that decree granting her a divorce? A No, sir, I have not.

Q When were you divorced? A I think it was about five years ago.

Q Where were you living at the time of your divorce? A Here in this district.

Q Was the divorce granted by the Cherokee or United States Court?

A Cherokee Nation.

Q You state that she instituted proceedings for a divorce? A Yes, sir.

Q What did she allege in her bill? A I do not know. I was not there at all.

Q It went by default? A Yes, sir.

Q Did she leave the place on which you were living? A Yes, sir.

Q You staid on the old place? A Yes, sir.

**INTERROGATORIES BY JOEL L. BAUGH, Cherokee Representative:**

Q You say you did not appear in response to the summons? A No, sir.

Q For what reason? A We had an agreement, me and her did, that she was to have the divorce and I would not appear against her. We compromised and I decided up and she got the divorce and married again.

Q In this instance of a compromise did you understand that you agreed to the complaint alleged that she should have a divorce? A I do not know what the complaint was. I agreed that she was to get a divorce and I would not appear against her.

Q That was that you agreed to the complaint as alleged, that is a fact is it? A Yes, sir, I guess so.

Q Was the summons served on you? A No, sir.

**BY THE COMMISSION:**

Q Now, give me the names of the children for whom you desire to make application? A Johnnie Russey.

Q How old is he? A 11 years old.

Q Have you any other children? A One.

Q What is its name? A Heck.

Q How old is Heck? A He is six months old.

Q Both these children alive and living with you? A Yes, sir.

Q You are the father of both of these children? A Yes, sir.

Q Who is the mother of the elder child? A Mandy Johnson.

Q Who is the mother of the next, your present wife? A Yes, sir.

Q These children always lived with you? A No, sir, with me and my mother this child, my son.

Q When your first wife was granted a divorce was she given custody of the child or have you given custody of the child? A I think so.



Hexekiah Bussey--3.

the divorce she was to have the boy and she did not want him and give him back to me.

Q Has she given anything towards its support in any way at all?

A No, sir. I have had it all the time except about a month.

Q Are you willing to withdraw the application for the enrollment of your child and leave your former wife to enroll your child? A If that is the only show I want to get him enrolled in some way.

1880 Roll; page 753, #390, Maud Downing, Tahlequah.

Q Was not your wife's mother married to Maud Downing in 1880?

A (No response.)

Q Was your wife's mother ever known as Allie? A No, sir, I think not.

MARTHA BUSSEY, being first sworn, testified as follows, upon examination by THE COMMISSION:

Q What is your name? A Martha Bussey.

Q Are you the wife of the applicant, Hexekiah Bussey? A Yes, sir.

Q What was the name of your mother in 1880? A I guess it must to have been Eliza Adair; I do not know whether my father and mother were married then or not.

Q Where was your mother living then? A In Saline District.

Q Was your mother ever known as Allie? A No, sir, that was James Downing's wife.

Q Was your mother ever known as Louisa? (No response.)

Q Did you have a sister named Mabel? A Yes, sir.

1880 Roll; page 612, #17, Louisa Adair, Saline.

Q (To the Applicant.) What district was your wife enrolled in in 1886, your present wife? A Tahlequah.

1896 Roll; page 1161, #664, Martha Downing, Tahlequah.

1896 Roll; page 295, #153, Hexekiah Bussey, Coowasee.

THE COMMISSION: The applicant applies for the enrollment of himself, his wife and one child: He is identified on the census roll of 1896 as an adopted white. He avers that he was first married to one Maud Johnson, a citizen of the Cherokee Nation in the year 1886, and produces evidence showing that he was married to said Maud Johnson in accordance with the laws and customs of the Cherokee Nation. He left with his first wife about seven years; having been divorced from her about five years ago. Since that time he has married one Martha Downing, a citizen of the Cherokee Nation, and produces satisfactory evidence that he complied with the laws and customs of the Cherokee Nation, on the 21st, day of May, 1896. He fails to produce a decree of the Court granting his former wife a divorce from him. He will be listed for enrollment by this Commission as an intermarried Cherokee, upon what is known as a doubtful card, and will be required to file either the original decree of the Court or certified copy of the record granting his former wife a divorce from himself.

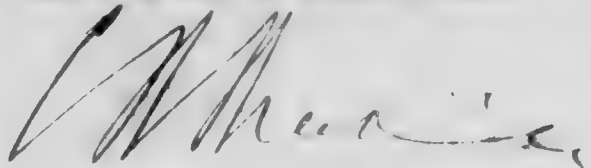
As to the applicant he makes on behalf of his wife: She is not identified upon the authenticated roll of 1880, having been born since the said roll was compiled, but her father and mother are identified upon that roll as native Cherokees. The applicant's wife is identified upon the census roll of 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and will be listed for enrollment by this Commission as a Cherokee by blood. When he files proof as to the birth of his child, in the form of affidavit, this child will also be taken enrolled with its mother as a Cherokee by blood. The applicant himself has resided in the Cherokee Nation since 1896 continuously.

Heskiah Bussey---4.

J. O. Nelson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

---

Subscribed and sworn to before me this 29th day of October, 1900.

A handwritten signature in cursive script, appearing to read "W. H. ...", is written over the printed name "Commissioner".

Commissioner.



DEPARTMENT OF  
COMMISSION TO THE

1911  
OCT 10 1911

# CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 27 1900 1900

District

COOWEESCOOWEE,

Year

1896

Page

246

No.

133

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

In 1896 call as

Hegriah Busey

Record of divorce between Hegriah Busey and his first wife to be supplied

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF HEZEKIAH BUSSEY FOR THE ENROLLMENT OF HIMSELF AND OTHERS AS CHEROKEE CITIZENS.  
D CARD 730.

JOHN M. TAYLOR, Jr., being sworn by Commissioner C. R. Breckinridge, was examined by the Commission and testified as follows:

Q What is your name? A John M. Taylor, Jr.

Q What is your age? A Forty years.

Q What is your post office address? A Claremore, Indian Territory.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Hezekiah Bussey? A Yes, sir.

Q How long have you known him? A Since 1888.

Q Did you know his former wife, Maud Johnson or Maud Bussey?

A Yes, sir.

Q Did you know her at the time the divorce proceedings were instituted and at the time the divorce was granted from Hezekiah Bussey, or between them, one from the other? A I knew the parties at that time.

Q Now, then, state whatever you know about it. Were you one of the attorneys in the case? A Well, I don't remember whether I was or not.

Q Well, was there an agreement entered into between you? A Mr. Bussey and his former wife, Mrs. Maud Bussey called on me and they entered into a written contract whereby Mr. Bussey here agreed to turn over the property that Mr. Sanders had attached as Sheriff while the suit was pending, and upon Mr. Bussey turning over this property he was not to appear when the suit came up for trial and she was to get her divorce by default, and that agreement was lived up to.

Witness excused.

-----0-----

WILLIAM E. SANDERS, being sworn by Commissioner C. R. Breckinridge was examined by the Commission and testified as follows:

Q What is your name? A William E. Sanders.

Q What is your age? A Forty one.

Q What is your post office address? A Claremore.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.

Examination by Mr. W. W. Hastings, Representative of Cherokee Nation.

Q Were you sheriff of Cooweescoowee District at the time the divorce proceedings were instituted and the divorce granted to Maud Bussey a former wife of Hezekiah Bussey, the applicant here? A Yes, sir; I served the papers on Mr. Bussey.

Q You served some attachment papers in connection with it? A Yes, sir; the citation.

Q Where did you serve them at, and where was Hezekiah Bussey?

A On his place northeast of Gattosa in the Cherokee Nation.

Q Do you know anything about which left the other? A I couldn't say anything about when I served the papers on him. He was there at

home and she wasn't there--if she was I didn't see her, and I showed Bussey the paper there and he pointed out the property that the attachment called for.

Q You didn't see her? A No.

Q That is all you know about it? A That is all I know about it.

Q Then, what did you afterwards do with the property you had attached? A Well, the best of my understanding was they made some kind of an agreement and the property was divided. She released part of the property, and she kept some of it.

Q Part of it was released and you turned it back to him, and the other you turned back to her? A Yes, sir. I don't remember just how much property there was, but there was some horse and hogs and cattle, and some other stuff I think.

-----0-----  
The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental proceedings in this application at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of October A. D. 1900.

  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., November 8, 1900.

D. 730.

In the matter of the application of H Ezekiah Bussey and child  
for enrollment as Cherokee citizens.

Additional testimony.

Maud Johnson being sworn and examined by Commissioner Needles,  
testified as follows:

Mr. W. W. Hastings, representative of the Cherokee Nation: What is  
your name? A Maud Johnson.

Q How old are you? A 24 years old.

Q What is your post office address? A Gatoosa.

Q Do you know H Ezekiah Bussey? A Yes, sir.

Q Was he formerly your husband? A Yes, sir, he was.

Q When did you separate, about how long ago? A About 11 years ago.

Q You were married in 1888 I believe? A Yes, sir.

Q About how long did you live together? A Four or five years?

A Yes, sir, we lived together about 7 years.

Q Did you leave him or he leave you? A No, sir, he left me.

Q Tell the circumstances now; anything you want to tell under that.

A Just how it was, he went to town to get some groceries, and instead  
of going to town as he told he he would, he went off and left me sick  
in bed and took Tom Davis' daughter to a dance.

Q And he left you on that sick bed while he was going with another  
girl to a dance? A Yes, sir.

Q Did he return after that? A He came back next morning just about  
day-light, and I asked him to take me to my mother's, they lived about  
four miles, and he took his hat and says nothing will do you; you won't  
stay home, I will take you to your mother's, and I said you won't get  
me anything to eat and I can't stay here and starve, and he says I  
will take you to your mother's, and he hitched up and took me there, and  
says you are here now, and you stay here; and I stayed there and kept  
my bed two weeks, and when I was able to get up I stayed there, and  
you can call it leaving or not just as you like.

Q Did he come to see you? A Yes, sir, he come several times.

Q Did he provide any medicines? A No, sir, never got a thing.

Q You afterwards agreed with him about a divorce? A Yes, sir.

Q You sued him? A Yes, sir, I put in the divorce case.

Q And you got the divorce? A Yes, sir, I got it all right.

Q What grounds did you allege for the divorce; what did you say  
in your paper that you wanted a divorce for, what reasons? A I just  
made it just like it was, just like I told you, that is the way we got  
our divorce.

Q You alleged these facts, did you? A Yes, sir.

Q He has got one child, Johnnie? A Yes, sir, he has him with  
him and that is I guess how come him to come back to see me, he kept  
coming back to steal that child, that is how he happened to be back then.

Commissioner Needles: You are the mother of Johnnie? A Yes, sir.

Q He was a white man, was he? A Yes, sir.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 8th of November, 1900.

*Bruce C. Jones*  
Commissioner.

Cherokee-D- 730

MARRIAGE

LICENSE.

CHEROKEE NATION.

COOWEESCOOWEE DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage-Greeting:

You are hereby authorized to join in the holy bonds of matrimony, and celebrate the rites and ceremonies of Marriage between

Mr. H. F. Bussey a citizen of the United States and Miss Mandy Johnson of the Cherokee nation. According to the usual laws and customs of the Cherokee Nation and you are required to return this license to me within thirty days from the celebration of such marriage, with a certificate of the same appended thereto.

(SEAL) Given under my hand and seal this the 11th day of July A.D. 1886.

J. E. Campbell, Sept Clerk.  
Cooweescoowee District.

I hereby certify that I joined in the holy bonds of matrimony H. F. Bussey and Mandy Johnson on this the 11th day of July 1886.

Witness, Wm. A. Walker  
E. J. Campbell.

J. E. Campbell

Recorded on page 154 Book E Records of marriages,  
Cooweescoowee District, this Aug 28th of 1886.

(SEAL) Jos M. Lahay, Clk.  
Cooweescoowee Dist. C. N.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Ezekiah Bussey as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,  
May 24, 1902.

M. S. Hanfman



MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS.

To Any Person Authorized by Law to Solemnize Marriage-Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Hesekiah Bussey of Claremore, in the Indian Territory aged 35 years, and Miss Martha Downing, of Claremore, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

(SEAL) Witness my hand and official seal at Tahlequah, Indian Territory this 21 day of May A.D. 1898.

By J. C. Anderson, Deputy.

Jas. Winston,  
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS.

I, David W. Yancey a U. S. Commissioner do hereby certify that on the 23rd day of May A.D. 1898 I did duly and according to law as commanded in the foregoing license solemnize the Rite and publish the Banns of matrimony between the parties therein named.

Witness my hand this 23rd day of May A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court Indian Territory, Northern District, Book\_\_

Page\_\_

D. W. Yancey, U.S. Commissioner.

I the

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of Aug. 1898 at M. and duly recorded in Book G Marriage Record Page 78.

Witness my hand and seal of said court at Tahlequah in said Territory. this 9 day of Aug. A.D. 1898.

Jas. A. Winston Clerk.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Hesekiah Bussey as a citizen of the Cherokee Nation. Muskogee, Indian Territory, May 24, 1902.

*M. S. Kaufman*

#1s Maud Bussey

vs

Hess Bussey )

Judgment by default. The following decision rendered.

Regular Term Circuit Court Cooweescoowee District, Cherokee Nation,  
June 7th, 1894.

Docket # 16. Suit for divorce and alimony on abandonment.

This case coming up for a hearing and at the third calling of the case there being no answer on part of the defendant after having been (duly summoned and upon motion of the plaintiff for judgment by defendant, his non appearance is taken as a confession of judgment, Therefore it is adjudged by the court that the bonds of matrimony heretofore existing are dissolved and is further decreed that defendant is entitled to the property sued for and an execution is ordered accordingly.

And it is further adjudged that sec. 667 page 332 Compiled laws of the Cherokee Nation of 1893 that defendant Hess Bussey has forfeited every right and privilege of citizenship of this Nation and is hereby declared to be a noncitizen thereof.

Attest,

J. M. Lahay, Clerk.

Cooweescoowee Dist. C. N.

Executive Office Cherokee Nation

Tablequah, Ind. Ter.

I, B. W. Alberty, assistant executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record for the Circuit Court of Cooweescoowee District Cherokee Nation, now filed in this Office and in my custody.  
(SEAL) Given under my hand and the seal of the Cherokee Nation this the 16th day of January 1901.

H. T. Landrum,  
Circuit Judge presiding.

B. W. Alberty,  
Assistant Executive Secretary  
Cherokee Nation.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Hasekiah Bussey as a citizen of the Cherokee Nation,  
Muskogee, Indian Territory,  
May 24, 1902.

M. S. Kaufman



Supl)-C.D.#730.

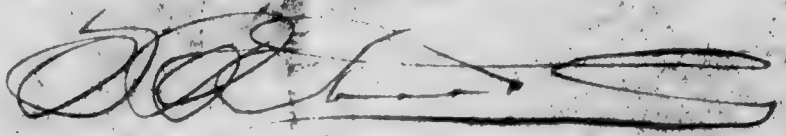
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of HAZENIAH BUSSEY  
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears in person and by his Agent, J. R. Sequichie.

Mr. J. C. Starr, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is now considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

~~In the matter of the application for the enrollment of~~  
Hezekiah Bussey as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 27, 1900, Hezekiah Bussey appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902. The other articles to the application are differently classified, and are not discussed in this decision.

The evidence shows that Hezekiah Bussey was married under authority of a Cherokee marriage license on July 11, 1886 to Nandy Johnson, a citizen by blood of the Cherokee Nation. It appears that he lived with his wife, Nandy, about seven years, and then abandoned her; that his said wife procured a divorce from him in the Circuit Court, Coowescoowee District, Cherokee Nation, on June 7, 1894, on the ground of abandonment, and that it was by said court on that day adjudged that Hezekiah Bussey had forfeited every right and privilege in the Cherokee Nation, and was declared a non-citizen thereof.

The said Hezekiah Bussey is identified on the 1896 Census Roll of the Cherokee Nation.

An act of the Cherokee National Council approved October 15, 1895 entitled "An act regulating intermarriage of white men" provides:

"That any white man who shall lawfully marry under the provisions of this act, and then afterwards abandon his wife, shall not be entitled to any of the rights and privileges of the Cherokee Nation, and shall be and is hereby considered, and shall be removed as, an intruder."


It further appears that the said Hezekiah Bussey was married to Martha Downing, a citizen by blood of the Cherokee Nation, on May 23, 1898, but that said marriage was not entered into in accordance with the laws of the Cherokee Nation.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the name of Hezekiah Bussey was placed upon the 1896 Cherokee Census Roll without authority of law, and that the application for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this

JUL 16 1902

COMMISSION TO THE ENLIGHTENED PEOPLE

FILED

FEB 21 1902

*Handwritten signature*

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mr. Hezekiah Bussey,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-730  
Register.

Yours truly,

~~John B. Johnston~~

Commissioner in Charge.

COPY.

Cherokee D-730.

Muskogee, Indian Territory, July 16, 1902.

Hezekiah Bussey,

Claremore, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

A copy of the proceedings had in the case has heretofore been furnished your Agent, J. R. Sequichie, Chelsea, Indian Territory, and the Commission's decision has this day been forwarded to him.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Inc. H-67.

Cherokee D-730.

COPY.

Muskogee, Indian Territory, July 16, 1908.

J. R. Sequichie, Esq.,  
Agent for Heseekiah Bussey,  
Chelsea, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Heseekiah Bussey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

A copy of the record of proceedings had in the case has heretofore been furnished you.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

12  
Acting Chairman.

Register.

Ine. H-68.

Cherokee D-730.

COPY.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Henshiah Bussey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Tan. Kirby.*

Acting Chairman.

Inc. K-60.

Cherokee D-730.

COPY.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Heseiah Bussey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

*Tamm Dixby*  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-70.



Refer in reply to  
the following:  
Land  
42718--1902.

(COPY)

Department of the Interior,

Office of Indian Affairs,

Washington, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, transmitting the record relative to the application of Hezekiah Bussey for the enrollment of himself as an intermarried citizen of the Cherokee Nation.

July 16, 1902 the Commission held that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation, and that his name had been placed on the 1896 Cherokee census roll without authority of law.

The record in this case shows that Hezekiah Bussey was married under authority of a Cherokee license on July 11, 1886 to Amanda Johnson, a citizen by blood of the Cherokee Nation; that he lived with his said wife about 7 years and abandoned her; that his said wife procured a divorce from him in the Circuit Court of the Cooweescoowee District, Cherokee Nation June 7, 1894 on the ground of abandonment and that the court in said decree declared that said Bussey had forfeited all rights and privileges of citizenship in said nation, and thereby declared him to be a non-citizen thereof.

The Department July 18, 1902 (I. T. D. 3984) in the Malinda

King case held that it did not consider that the decision of the Cherokee Court in granting a divorce was binding upon the Commission to determine the question of abandonment.

It does not appear to the office however, that the doctrine laid down in said letter is applicable in this case for the reason that the court in granting the decree of divorce declared that the applicant had forfeited all of the rights he acquired by his marriage and that by virtue of said divorce he became a non-citizen of said nation.

It would seem therefore that the record of the divorce granted the wife of this applicant is admissible as evidence in this case, and the office therefore believes that the decision of the Commission refusing to enroll the applicant as an intermarried citizen is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

2730

D. C. No. 13547-1902.

L. R. S.

49287

BAF.

ITD. 4600-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

On July 16, 1902, you transmitted the record in the matter of the application for enrollment of Hezekiah Bussey as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence that applicant was married on July 11, 1886, to Mandy Johnson, a Cherokee citizen by blood; that she procured on June 7, 1894, through a Circuit Court of the nation, a divorce from him on the ground of abandonment, the court adjudging that Bussey had forfeited all his rights and privileges in the nation that he is identified on the 1896 Cherokee census roll; that on May 23, 1898, he was married to Martha Downing, a citizen by blood of said nation. You refer to the Cherokee act of October 15, 1855 (section 667 of the compiled laws, edition 1892), and to section 21 of the act of June 28, 1898 (30 Stat., 495), and hold that applicant's name was placed on the 1896 roll without authority of law. You rejected the application.

By letter of July 29, 1902, copy of which is inclosed, the Acting Commissioner of Indian Affairs recommends approval of your decision.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

Cherokee D 730.

COPY.

Muskogee, Indian Territory, September 2, 1902.

Heskiah Bussey,

Claremore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*James L. Hix*  
Acting Chairman.

3  
Cherokee B 730.

MAHOGEE, Indian Territory, September 3, 1902.

J. R. Sequichie,

Agent for Heseekiah Bussey,

Chelsea, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Heseekiah Bussey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*Tamm D. Graham*  
Acting Chairman.

Cherokee D 430.

Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Heskiah Busby for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*James E. Smith*  
Acting Chairman.

Cherokee R-692

Muskogee, Indian Territory, November 7, 1902.

Hezekiah Bussey,

Claremore, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of judgment of divorce rendered in the case of Maud Bussey vs. Wess Bussey.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2145

~~12~~

9792

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE UN-CIVILIZED TRIBES.  
**FILED**  
JUN 10 1902

*[Handwritten signature]*



C D. 730

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190.....

Given under my hand this .....  
day of ..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ..... , 190 ..

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a  
true copy of the within notice to .....  
*Hezekiah B. Brown*  
on the *6<sup>th</sup>* day of *March* A. D. 190*2*.  
*E. M. King*

Subscribed and sworn to before me  
this *6<sup>th</sup>* day of *March* 190*2*.  
*William M. Hall*  
Notary Public.

*Fee 50c*  
*License \$2.00*  
*Total \$2.50*

## NOTICE!

IN THE MATTER OF the application of Ezekiah Bussey,  
for enrollment as Cherokee citizens:

Case No. D. 730.

To Ezekiah Bussey, Claremore, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 8th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 4th, 1902.

M. W. Hastings  
Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
8 1902

2100.



Cher R 693

Cher R 693

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., October 31, 1900.

In the matter of the application of Robert H. Crow for the enrollment of himself wife and child as Cherokee citizens; being sworn and examined by Commissioner Bro Kinridge and examined by the Commission he testified as follows:

Q What is your name? A Robert H. Crow.  
Q How old are you? A I will be 30 years old next April.  
Q What is your post-office address? A My post-office address would be Chelsea.  
Q Application for enrollment as a citizen by blood?  
A Yes sir, - that is not myself, I am adopted, citizen, my wife is a citizen.  
Q Do you make application for yourself? A Yes sir.  
Q Yourself and wife, and who else? A And baby.  
Q You are a citizen by intermarriage and your wife is a citizen by blood? A Yes sir.  
Q What district are you living in? A I have been living in Missouri temporarily, I am a railroad man.  
Q In what district are you living now? A Cooweescoowas.  
Q How long have you made your residence in the Cherokee Nation?  
A It has been off and on at times I have been here since I was a citizen; 1891 is the time I was married.  
Q How long since 1891 have you resided continuously in the Cherokee Nation? A I haven't resided continuously in the Cherokee Nation since that time; I came back here at intervals two or three times a year to see about my place.  
Q How long would you stay after you came back here? A About 30 days at a time.  
Q Where were you living in June 1898? A I was living at Irwin, Missouri.  
Q Did you have a home there at that time? A No sir.  
Q Were you keeping house there? A Yes; I didn't own any property.  
Q You had all your household effects there though? A Yes sir.  
Q Did you own any property in the Cherokee Nation? A Yes sir, I owned a farm up here at Chelsea and I owned a town lot up here at Pryor Creek.  
Q Did you receive any revenue from your farm? A Yes sir, rent of the corn and revenue on hay and stock.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Laura E. Crow.  
Q Is she living? A Yes sir.  
Q How old is she? A She is 33 or 34 years old.  
Q Is she a Cherokee citizen by blood? A Yes sir.  
Q What degree of Cherokee blood does she claim? A Its either a quarter or 16th I don't know which.  
Q What was the name of her father? A John Cheate.  
Q Is he living? A No sir.  
Q Was he a Cherokee by blood? A Yes sir.  
Q What is the name of her mother? A Belle Cheate.  
Q Is she living? A No sir.  
Q Was she a Cherokee by blood? A Yes sir.  
Q What is the name of your father? A My father was named John Crow.  
Q Is he living or dead? A He is dead.  
Q What is the name of your mother? A Mrs. S.R. Blackwood.  
Q Is she living? A Yes sir.  
Q Is she a Cherokee by blood? A No sir.  
Q Were your parents ever recognized as citizens of the Cherokee Nation? A Yes sir.  
Q Give me the names of your children? A Apollonia Crow.

day of this month.

Q Is this child liv and living with you at this time?

A Yes sir.

Q You are the father of the child and your present wife is the mother? A Yes sir.

Q How long has your wife resided in the Cherokee Nation, was she born and raised here? A No sir, she was born and raised in

Color do; she is a sister of John and Ruth Choate of Pryor Creek.

Q How old was she when she came to the Cherokee Nation? A She was about 25 years old I guess. She was here about 2 years before we was married.

Q Where were you living at the time of your marriage? A Chelsea. Q Were you married in accordance with the laws and customs of the Cherokee Nation? A Yes sir.

Q Have you any evidence of that fact? A Yes sir. (Produces papers)

Commission. The applicant presents a Cherokee marriage license authorizing marriage of R. H. Crow a citizen of the United States to Miss Laura E. Choate, a citizen of the Cherokee Nation, issued on the 11th day of September 1891, by H. H. Trot, Clerk of Cooweescoowee District; and a certificate showing that said marriage was performed by H. S. Lamar, Minister of the Gospel, on the 16th day of September 1891; license has been duly recorded, and will be filed herewith.

Q How long did you live in the Cherokee Nation after your marriage? A I didn't live here but a short time, about thirty days after I was married, and I went out to railroading, - Arkansas and Iron to obtain

Q And since that time you have been away from the Cherokee Nation most of the time; you have returned here at intervals simply for the purpose of transacting business? A Yes sir, on an average of three times a year; my wife sometimes came down when I couldn't come; came down to visit and see about my place.

Q Did you ever exercise the right of suffrage after you were married in accordance with the laws and customs of the Cherokee Nation in the United States? A Yes sir, the only vote I ever took part in was 1896, - Presidential election.

Q Did you vote at the state or congressional elections in 1898?

A Yes sir.

Q Do you own property in the state of Missouri? A No sir.

Q Do you own property outside of the Cherokee Nation? A No sir I don't own property anywhere outside of the Cherokee Nation.

Q Does your wife's name appear upon the authenticated roll of 1892? A Well that's my understanding; her brothers tell me so.

Q Was she ever admitted or readmitted to citizenship in the Cherokee Nation by an act of the National Council? A I think she was.

Q Have you any evidence of that fact? A I wasn't there when she registered, but I understand she registered as a doubtful citizen

Q When was that, in 1895? A Yes sir.

Q Did your wife ever go before the Cherokee National Council and made application for readmission to citizenship in the Cherokee Nation after she came back from California? A I guess so, I really don't know.

Q You haven't any evidence of that fact? A No sir. Possibly she died, before we were married; I couldn't say.

Q Were you ever married before you married your present wife?

A No sir.

Q Was she? A No sir.

Q You have lived with her continuously since that time?

A Yes sir.

1896 roll page 299 #221 Robert H. Crow Cooweescoowee int married white

1896 roll page 139 #1209 Laura E. Crow Cooweescoowee native Char

1896 roll page 167 #1126 Laura E. Crow Cooweescoowee;

Robert H. Crow et al 3

Commission. The applicant applies for the enrollment of himself, wife and one child; he is identified upon the census roll of 1896 as an adopted white; he produces satisfactory evidence as to his marriage in accordance with the laws and customs of the Cherokee Nation on the 16th day of September 1891 to one Laura E. Choate, a citizen of the Cherokee Nation; he avers that he remained in the Cherokee Nation only about thirty days after his marriage and then went to the States, where he has been engaged since in railroading; it appears that since his marriage in 1891 he has not made his actual residence in the Cherokee Nation, but has lived all of that time in the States; he returned at intervals to the Cherokee Nation, remaining ~~xxx~~ perhaps thirty days at a time, for the purpose of transacting business; he also avers that he was living in the State of Missouri in June 1898, and attention is called to section 21 of the act of Congress approved June 28th 1898, which reads as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." This section of the Curtis ~~Act~~ Act provides equally for his wife and child. The applicant also avers that he has exercised the right of suffrage on two separate occasions in the State of Missouri, to-wit: in 1896 and in 1898. He will be listed by this Commission on what is known as a doubtful card, as a Cherokee citizen by intermarriage.

He avers that his wife was admitted to citizenship by ~~thax~~ an act of the Cherokee Commission, but produces no satisfactory evidence as to the effect; her name, however, appears upon the printed list of persons admitted and readmitted to Cherokee citizenship by the National Council and Commissions on citizenship in the year 1890, and since that time; she ~~xxx~~ appears as Laura Etta Choate 21 years of age, female, readmitted by the Court July 4th 1898; he will be required to file with the Commission ~~satisfactory~~ ~~certification~~ certified of the Court re-admitting her to citizenship at that time; she is identified upon the census roll of 1896 as a native Cherokee; she was married to her husband in the year 1891 and since that time has made her home with him. She has returned to the Cherokee Nation only ~~at~~ at intervals for the purpose of visiting or transacting business, since the year 1891, and has made her home continuously in the States since that time. She will be listed for enrollment by this Commission as a citizen by blood upon what is known as a doubtful card.

As to the application which he makes in behalf of his daughter; this child is not identified upon the census roll of 1896, having been born since said roll was compiled; when he files satisfactory proof as to the birth of this child in the form of affidavits it also will be listed for enrollment with its mother on a doubtful card as a Cherokee citizen by blood. When the final judgment is rendered in this case the applicant will be notified in writing at his present post-office address.

D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 31 day of October 1900.

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
ROBERT H. CROW as a citizen of the Cherokee Nation, introduced on  
part of applicant:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 8th day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

Mr. J. C. Starr, Cherokee representative, present.

ROBERT H. CROW, the applicant, being duly sworn, testified as follows in his own behalf:  
MR. SEQUICHIE:

- Q What is your name? A Robert H. Crow.  
Q Your age? A 32 years, will be in April.  
Q Your post office? A Cherryvale, Kansas.  
Q Mr. Crow, you applied for enrollment on the 31 day of October, 1900? A Yes, sir.  
Q And placed on a doubtful card were you when you enrolled?  
A Yes, sir.  
Q Where was your post office at that time? A Chelsea, Indian Territory.  
Q Have you resided at one place continuously since that time?  
A No, sir, not continuously, I have not.  
Q What is your occupation? A I am a railroad operation and Agent, telegraph operator and ~~operator~~ Agent.  
Q You temporarily resided out of the Cherokee Nation on account of your duties? A Yes, sir, my profession as a railroad operator.  
Q You never had any permanent citizenship in any other state or Territory outside of the Cherokee Nation? A No, sir.  
Q That is, since your marriage? A No, sir.  
Q And at this time is now engaged in that business, your profession? A Yes, sir.

MR. STARR:

- Q Did you ever live in the Cherokee Nation and make it your home? A Yes, sir.  
Q How long at a time? A That is, since I was married?  
Q Yes, sir. A I was married in 1891, September 1891, and I lived in this Territory until sometime, early part of 1892, and I went to Arkansas on the Iron Mountain and took a job down there and returned to the Indian Territory and resided up here at Adair about six months, I don't know just how long.  
Q Is it not a fact that you returned about 30 days after you married in 1891 and left? A Yes; I was when I married the agent at Chelsea and I lost my job there and of course I went out of the State and went over to the Iron Mountain and went over to Arkansas.  
Q What place in Arkansas did you stay? A Palarm and Marche.  
Q How long did you stay at these two places? A I stayed at Palarm about three weeks and went to Marche and stayed there until about the middle of February.  
Q What year? A 1892.  
Q Where did you go from there? A I came back to Chelsea.

Q How long did you stay at Chelsea? A I went over to Adair and lived there, I believe if I remember correct, I was in business at Adair in the early part of ; I was trying to figure out the date; if I remember correctly it was in the first six months of 1892, I was in business there.

Q Where did you go from Adair? A I left my folks at Chelsea and went to Missouri and secured employment with the Missouri Pacific.

Q At what town? A At Corning, Kansas.

Q How long did you stay at Corning, Kansas? A About 30 days.

Q And then where did you go? A I come to Rich Hill, Missouri.

Q How long did you stay there? A I stayed there about a month.

Q And then where did you go? A I went from there to Irwin, Missouri, and I worked there 30 days as relief Agent in the year 1892.

Q Where have you lived since then? A I have lived; I lived at different places; Butler Missouri, and I have lived out afterwards; Irwin, resided there three years and come back to ever at Chelsea, our folks lived there, wife and people.

Q Where are you living now? A Cherryvale, Kansas.

Q Your wife and children been living at all these rounds?

A No, not all of these rounds. When I was in Missouri and Corning, Kansas, and Irwin and Rich Hill, she was then at Chelsea. I was at Chelsea, part of the time Pryor Creek.

Q Did your wife stay with you three years at Irwin, Missouri?

A Yes, sir.

Q She is living with you at Cherryvale, now? A Yes, sir, working for the Santa Fe.

COMMISSION:

Q when was the last time you worked in the Indian Territory?

A I worked at Sapulpa last January was a year ago.

Q Where were you actually residing in June 28, 1895? That is four years ago next June? A Well, now, I will tell you; I left Irwin last August was a year ago.

Q August, 1900 A Yes, sir, I lived there three years prior to that.

Q Do you own any property in the Cherokee Nation? A Yes, sir.

Q How long have you been in possession of the property? A Well, let's see; just while after the strip payment; I can't give the exact date; I bought the property.

Q What does that property consist of? A Improvements, farm.

Q Did you derive any revenues from the farm? A Yes, sir; I have derived rents from it.

Q Where is the farm located? A Over at Chelsea on Pryor creek.

Q Is that farm in your possession now? A Yes, sir.

Q Has it been in your possession all the time? A Yes, sir.

Q What was the longest time you have ever resided in the Cherokee Nation since you marriage, at any one time? A Well, that was when I was at Adair.

Q How long did you reside there? A I presume it was something over six months; I was there in business there.

Q Have you voted since you were married? A You mean in the Cherokee Nation?

Q Yes. A Yes, sir; it was when I was in the Cherokee Nation at that time.

Q Have you voted in any of the State elections; did you ever vote while you were in Missouri? A Yes, sir, I voted once during President McKinley's election.

Q In 1896? A Yes, sir.

Q That was after your marriage? A Yes, sir, voted for President McKinley. That is the only time I ever voted.

Q Now, as a matter of fact you haven't had any home in the Cherokee

Nation since 1898, have you; you haven't established any home in the Cherokee Nation since that time? A Not in the Cherokee Nation; no, sir.

Q Nor in the Indian Territory? A Well, my wife and child lived in the Territory; I have been alone when I was out at work.

Q How long? A Well from, it was when we left Irwin we come to Chelsea, that was in August; no, I believe it was in October.

Q 1900? A 1900, yes, sir and my wife and child stayed at Chilesa there until March sometime in March, 1901.

Q She was staying with her people? A Yes, sir; making her home with my wife's sister.

Q You were out working at that time A Yes, sir.

Q Outside of the Nation? A Yes, sir.

MR. STARR:

Q What were you doing at Adair during the time you came over and stayed there? A I was in the Mercantile business, that is general merchandise.

Q How long did you live there? A About six months is the best I can state it.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings and testimony had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*  
Stenographer.

Marriage License.

Cherokee Nation, I. T.,  
Cooweeskoowee District.

To any person legally authorized to solemnize marriage—Greeting:

You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of marriage, between Mr. R. H. Crow, a citizen of the United States, and Miss Laura E. Choate, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 11th day of September A. D. 1891.

H. H. Trott, Clerk,  
Cooweeskoowee District.

Seal.

Cherokee Nation, I. T.,  
Cooweeskoowee District.

I, J. S. Lamar, a Minister of the Gospel, hereby certify that on the 16 day of September 1891 I joined in marriage, Mr. R. A. Crow, a citizen of the United States, and Miss Laura E. Choate, a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 17 day of September A. D. 1891.  
J. S. Lamar.


I hereby certify that the within license was by me recorded on page 49 "Book B" Records of Marriage Licenses Cooweeskoowee District C. N. this 22nd day of October A. D. 1891.

Eugene Hall, Deputy Clerk,  
Cooweeskoowee District C. N.

Seal.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 7, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 7th day of November 1902.

  
Notary Public.

John B. Choate Sen.

## Office Commission on Citizenship

Tahlequah C. N. Sept. 1st. 1887.

Docket No.	Names.	Age	Sex	Post Office	Atty.
1	John B. Choate Sr.	63	Male	Fairplay Cal.	
2	William S. Choate	51	"		
3	Rufus M. Choate	28	"		
4	John B. Choate, Jr.	24	"		
426 5	Laura E. Choate	21	Female		
6	Mary E. Choate	19	"		

vs.

Cherokee Nation.

Applicant for Cherokee Citizenship.  
Rolls 1835. Ancestor, Silas Choate.

We the Commission on Citizenship after carefully examining the evidence in the above case and also examining the Old Settler pay rolls of 1851 & the emigrant pay rolls of 1852, find that the above applicant, John B. Choate Sr and his five children, viz: William Silas Choate, Rufus Mero, John Brown, Laura E. Choate, Mary Caroline Choate are Cherokees by blood, and are hereby readmitted to all the rights and privileges of Cherokee citizens by blood which is in compliance with an Act of the National Council, creating this Commission, dated Dec. 8th 1886 and amendment thereto approved Feb'y 7th 1888.

J. T. Adair, Chairman Commission  
D. W. Lipe, Commissioner.

Office Commission on Citizenship

Tahlequah, Ind. Ter. July 4th 1888.

Executive Office Cherokee Nation,

Tahlequah I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation, filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 3rd day of November 1900.

Seal.

B. W. Alberty, Assistant Executive  
Secretary.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 7, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission of the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the certified copy on file in the office of the said Division.

  
\_\_\_\_\_  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 7th day of November 1902.

  
\_\_\_\_\_  
Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., December 3, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ROBERT H. CROW as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Laura E. Crow, and his minor child, Anabel Crow, as citizens by blood of said Nation.

ROBERT H. CROW, being first duly sworn, testified as follows in behalf of applicants:

BY COMMISSION: State your name? A Robert H. Crow.  
Q How old are you? A I am thirty-four years old next April.  
Q Are you the same Robert H. Crow who applied to the Commission for enrollment as an intermarried white? A Yes sir.  
Q What is your post office address? A Chelsea. My present post office address?  
Q Yes. A My present post office address is Leger, Oklahoma.  
Q Where are you living now, at the present time?  
A At Leger, Oklahoma.  
Q What is the name of your wife? A Laura E. Crow.  
Q What was her name before you married her? A Laura E. Choate.  
Q When were you married to your wife? A September -  
Q What year? A Let's see, 1902, I believe.  
Q Look at this license here. A '91.  
Q September 16, 1891? A Yes sir, '91.  
Q Were you ever married before you married your present wife?  
A No sir.  
Q Was she ever married before? A No sir.  
Q Were you living with your present wife, Laura E. Crow, the 1st day of September, 1902? As her husband? A Yes sir.  
Q Have you and your wife resided together continuously from the date of your marriage down to and including September 1, 1902? A Yes sir.  
Q Never been separated? A No sir, never been separated.  
Q How many children have you? A One.  
Q What is the name of that child? A Anabel.  
Q Is Anabel still living? A Yes sir, she is five years old last Sunday week ago.  
Q You are claiming right to enrollment as an intermarried citizen by virtue of your marriage to Laura E. Crow, formerly Choate?  
A Yes sir.

-----  
Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of December, 1903.

Edward Merrill  
Notary Public.

Cherokee R-693.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R 773.  
p 660

In the matter of the application for the enrollment of Laura E. Crow and her minor child, Anabel Crow, as citizens by blood of the Cherokee Nation.

-1-

DECISION.

The record herein shows that on October 31, 1900, Robert H. Crow appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for his wife and minor child, Laura E. and Anabel Crow, as citizens by blood, of the Cherokee Nation. As the status of intermarried citizens is not at this time fixed, the rights of Robert H. Crow to enrollment as a citizen by intermarriage of the Cherokee Nation, will not now be passed upon. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 8, 1902.

The record further shows that on July 29, 1902, this Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, March 2, 1903 (Departmental letter I.T.D. 3404-03), upon motion of the applicants, this case was reopened, former decision rescinded, and record returned for further proceedings and readjudication in accordance with present Departmental rulings. Supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, December 3, 1903.

The evidence herein shows that the applicant, Laura E. Crow, is a Cherokee by blood; that on July 4, 1888, by the properly constituted authorities, she was "admitted to all the rights and privileges of Cherokee citizens by blood"; that since the year 1889 she has been a bona fide citizen of the Cherokee Nation, residing therein the major portion of the time, her



absences therefrom being of a temporary character, and always with the intention of returning thereto, and since the last above mentioned date has owned valuable property in said Nation, and is duly identified on the Cherokee Strip Payment roll of 1894, and the Cherokee census roll of 1896. The minor applicant, Anabel Crow, is a child of said applicant, Laura E. Crow, has continuously lived with her mother since birth, and is duly identified by a birth affidavit filed herewith, and made a part of the record in this case.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain et al., (I.T.D. 2900-03), Laura E. Crow and Anabel Crow should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory,

MAY 13 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 31, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902. The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation; said decision was duly affirmed by the Department on September 25, 1902. Thereafter, on March 12, 1903, a motion to review this case was filed, and on May 2, 1903 (Departmental letter I. T. D. 4995-1902, 2669-1903 and 3444-1903), said motion was granted and the case was remanded for further proceedings and readjudication.

Further proceedings in said matter were had at Muskogee, Indian Territory on December 3, 1903.

THE EVIDENCE IN THIS CASE SHOWS; That the applicant herein, Robert H. Crow, is a white man and neither claims nor possessed any right to enrollment as a citizen of the Cherokee Nation other than such rights as he may have acquired by virtue of his marriage on December 16, 1891, to his wife Laura E. Crow, who is identified on Cherokee Census Roll of 1896, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 32717.

It further appears that the said Laura E. Crow was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on July 4, 1888.

In view of the foregoing, it is considered that the applicant Robert H. Crow did not marry in accordance with Cherokee law, as citizen by blood of the Cherokee Nation prior to November 1, 1875.

--2--

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 126, 128, 127 and 128, the said applicant, Robert H. Crow, is not entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory

this SEP 27 1907.

Refer in reply to  
the following:

Land  
45882-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Robert H. Crow for the enrollment of himself as an intermarried Cherokee citizen, and for the enrollment of his wife, Laura E., and his child Annabel, as citizens by blood of that nation.

The evidence shows that Laura E. Crow, formerly Laura E. Cheate, a Cherokee by blood, was admitted to citizenship July 4, 1888, and that on September 16, 1891 she was married to Robert H. Crow, a white man, in accordance with the Cherokee laws. Their names appears upon the census roll of 1896. Annabel Crow, was born in 1896. It is shown by the evidence that Laura E. Crow was not born and reared in the Cherokee Nation, and that neither she nor her husband removed to and settled in that nation or the Indian Territory.

The Commission decided that the applications should be denied and the office concurs in it's decision.

Very respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 16381-1902.

L. R. S.

ITD. 4995, 5450,  
5855 & 5309-1902.

5-7371

475

J. P.

EAF.

DEPARTMENT OF THE INTERIOR.

Washington, September 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Robert H. Crow for the enrollment of himself as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Laura E. Crow, and his minor child, Anabel Crow, as citizens of said nation by blood, received with your letter of July 29, 1902.

It appears, as stated in your decision, that Crow, a white man, was lawfully married September 16, 1891, to Laura E. Choate, a Cherokee by blood, who was admitted to citizenship in said nation July 4, 1888. Both of the parties are identified on the Cherokee census roll of 1896. Anabel Crow was born in Missouri November 22, 1898, and lives with her parents. It is shown that Crow's wife was not born or reared in said nation, and that neither she nor her husband was a bona fide resident of the Indian Territory on June 28, 1898, as contemplated by the act of that date (30 Stat., 495).

Reporting in the matter August 15, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.

August 30 and September 23, 1902, there were received

arguments in behalf of the applicants, and certain affidavits. It is claimed and attempted to be shown that Crow's absence from the Indian Territory and the absence of his family were merely temporary. It is alleged that Crow is a telegraph operator; that after his marriage he worked for awhile at different railroad stations in Indian Territory, and was then transferred to points in States adjoining the Territory; that he had a farm in the nation, on which he had a tenant, and that at various times either he or his wife returned to this place to "attend to their small affairs"; that his wife and child were forced to be with him part of the time when out of the Territory, - "never so far but what they could reach their little home, all they could call home, within one or two hours." He exercised the rights of suffrage in Missouri in 1896 and 1898.

The Department finds the testimony warrants the decision rendered, and hereby affirms it. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

RMD

mdg

COMMISSIONERS

TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,  
SECRETARY

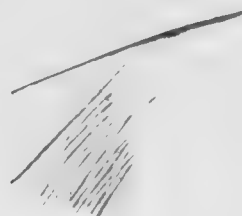
Muskogee, Indian Territory, December 4, 1903.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed copy of the testimony taken before the Commission at Muskogee, Indian Territory, on December 3, in the matter of the application for the enrollment of Robert Crow et al., showing the status of the principal applicant, as a citizen by intermarriage of the Cherokee Nation, on September 1, 1902.

Respectfully,



Enc. D-22.

Chairman.

Cherokee R-693.

Muskogee, Indian Territory, July 15, 1905.

Robert H. Crow,  
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting your application for the enrollment of your wife, Laura E. Crow, and minor child, Anable Crow, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 3, 1905.

You are further advised that your wife will not be permitted to apply for the selection of allotments of land in the Cherokee Nation for herself and minor child until their names have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

GHL

Commissioner.



Cherokee R-693.

Muskogee, Indian Territory, July 15, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Laura E. Crow and her minor child, Anabel Crow, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 3, 1905.

Respectfully,

GHL

Commissioner.

Cherokee

R 093

0091

Muskogee, Indian Territory, February 23, 1907.

Kimball & White,

Attorneys for Robert H. Crow,

Washington, D. C.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Robert H. Crow, as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. A-5  
RA

Cherokee  
R 693

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Robert H. Grew, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Wams Dixie*  
Commissioner.

Encl. A-6  
RA

**Maskogee, Indian Territory, February 23, 1907.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Robert H. Grew as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 23, 1907, denying said application.

**Respectfully,**

**Commissioner.**

**Encl. A-7  
RA**

**Through the Commissioner  
of Indian Affairs.**

Cherokee

R 693

Muskogee, Indian Territory, February 23, 1907.

Robert H. Crow,

Chelsea, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. A-99

Register.

Refer in reply to the following:

COPY.

LAND.  
20416-1907

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

NBM-D

D.C.12850

Y.P.  
W.H.M.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

(COPY)

I. T. D.  
6926, 6932, 6948, 6978, 6982,  
6984, 6986, 6988, 6990, 6994,  
7018, 7022, 7024, 7030, 7034,  
7036, 7040, 7048, 7056, 7062,  
7064, 7066, 7068, 7070, 7076,  
7084, 7090, 7100, 7118, 7122,  
7154-1907.

March 2, 1907.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decision in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decision be affirmed, are enclosed:

Title of Case.

Date of your  
letter of transmittal.

James L. Smith,  
Raymond Dent (freedman)  
James W. Hyde, et al.,  
William Russell North, et al.,  
Letha C. Cumiford,  
Fred Welch,  
Arthur Valentine Taylor, et al.,  
Addie Chouteau,  
Clifford Sapsucker,  
Robert H. Crow,  
Annie Johnson, (freedman),  
Evert Thorne,  
Manda Twist,  
Harold Parks Harrison,  
Emily C. Howell, et al.,  
Fannie Roberson, et al.,

February 23, 1907.  
February 20, 1907.  
February 23, 1907.  
February 23, 1907.  
February 23, 1907.  
February 23, 1907.  
February 25, 1907.  
February 6, 1907.  
February 25, 1907.  
February 23, 1907.  
February 16, 1907.  
February 23, 1907.  
February 26, 1907.  
February 20, 1907.  
February 23, 1907.  
February 27, 1907.

Title of Case.

Date of your letter  
of transmittal.

Willis S. Irwin, et al.,	February 16, 1907.
Rosella Riley (freedman),	February 18, 1907.
Quixanna Ward,	February 15, 1907.
Rosa Lee Hillin, et al.,	February 21, 1907.
Sarah Mayes,	February 21, 1907.
James L. Puckett,	February 23, 1907.
Mollie Fox,	February 18, 1907.
Lorine Hillin, et al.,	February 18, 1907.
David W. Woodcock, et al.,	February 21, 1907.
Rosel Lee Martin (freedman)	February 21, 1907.
John Robison Sr.,	February 21, 1907.
George A. Armstrong,	February 23, 1907.
J. W. Petty,	February 21, 1907.
John M. Ware,	February 23, 1907.
Mary Harlan,	February 20, 1907.
	February 22, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

31 enclosures and  
62 enclosures to Ind. Of.  
with copy hereof.

AFMc.  
3-4-07.



073

REFER IN REPLY TO THE FOLLOWING:

Cherokee News

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Enc I-502

RPI

Commissioner.

Cherokee 1493

COPY

Muskogee, Indian Territory, March 19, 1907.

Robert H. Crow,  
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred.

Respectfully,

*James Bixby.*

Commissioner.

Enc I-503

RPI

Cherokee R693

COPY

Muskogee, Indian Territory, March 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Commissioner.

Enc I-502

NPI

C. R. 692

Robert H. Crow

Refused  
Actions approved by  
Secretary of Interior  
Sept 23 1902

Jul 15 1905 Nos. 273

Transferred to Cherokee  
10928

Copy of testimony  
filed with Cherokee  
Nation

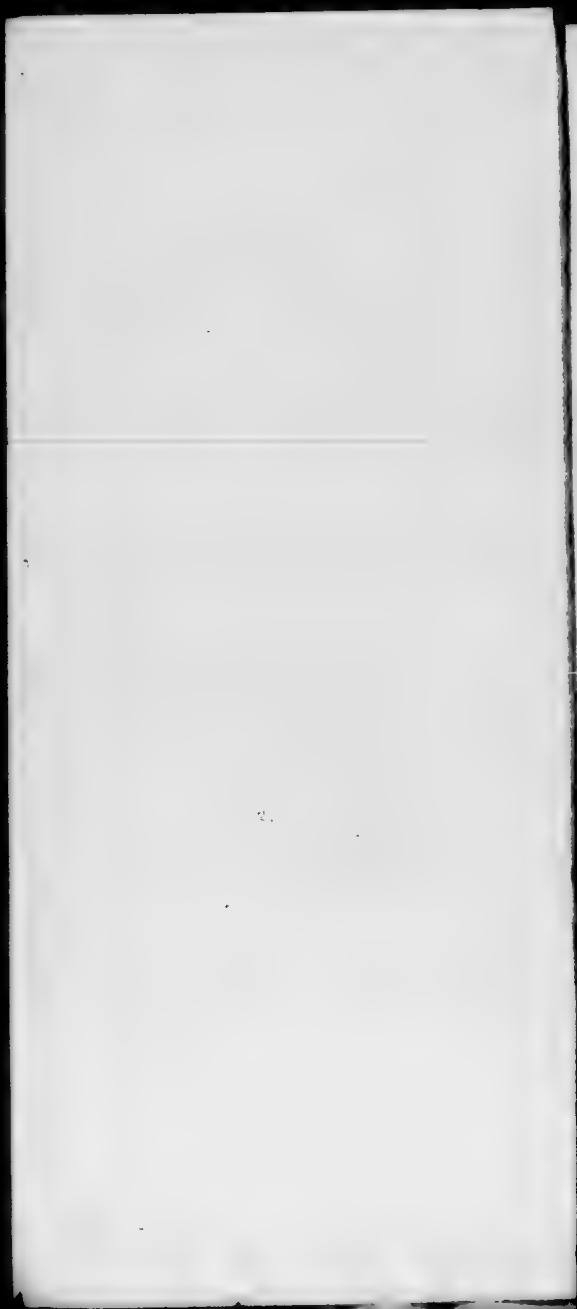
Cher R 694

Cher R 694

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Cherokee, I. T., November 12, 1900.

In the matter of the application of Thomas W. Perry for the enrollment of himself as a Cherokee citizen; he being sworn and examined by Commissioner C. C. Brockbridge, testified as follows:

- Q Give me your full name. A Thomas W. Perry.  
Q How old are you? A 33.  
Q What is your postoffice? A Vian.  
Q Do you live in Sequoyah district? A Illinois District.  
Q Do you want to enroll just yourself, or yourself and family?  
A Just myself.  
Q Are you a Cherokee by blood? A Adopted.  
Q Let me see your marriage license and certificate.  
The applicant files a license issued by the Clerk of Sequoyah district and a certificate attached thereto showing that he was married in accordance with Cherokee law by the Rev. J. G. Brewster on July 3, 1895 to Miss Elizabeth Benge. This is filed herewith.  
Q Is your wife dead? A No sir.  
Q Why do you not apply for her; are you separated from her? A Yes sir; she enrolled herself.  
Q She's a Cherokee? A Yes sir, Cherokee by blood.  
Q How old is she? A I suppose about 50.  
Q Has she lived in the Cherokee Nation all her life? A I believe so.  
Q How long did you live with her after your marriage? A Last September a year ago.  
Q You lived with her until September, 1899? A Yes sir.  
Q Have you a divorce from her? A No sir.  
Q Where is she living at this time? A Long is her postoffice; Sequoyah district.  
Q Is she living on a farm that you and she owned when living together? A She is living on one that she bought since we were married.  
Q What did you do with the home that you bought when you lived together? A We hold it together.  
Q What is the nature of the separation between yourself and your wife? A Mostly on account of the children.  
Q Did they make it uncomfortable for you and disagreeable? A I should think so.  
Q And you left did you? A Yes sir.  
Q They made it impossible for you and your wife to get along together? A It was uncomfortable.  
Q You have seen nothing of her have you since September of last year? A Yes, I saw her three or four different times.  
Q You have not lived with her since you separated? A I have been there three different times where she lives now.  
Q Just calling or staying there? A Just to call; I staid three or four days.  
Q Were you ever married except to this wife? A No sir.  
Q She's been married before? A Twice before.  
Q Both of her former husbands dead when she married you? A The first was dead, the second she had a divorce from him.  
Q Have you a copy of the decree of that divorce? A No sir.  
Q What was the name of her second husband? A Ben Seabolt. I don't believe she has a decree of that divorce. The Cherokee authorities are very slack regarding that business.  
Q He is still living; Seabolt? A Yes sir.  
Q What is the name of her first husband? A Bill Benge.  
Q When did he die? A I couldn't tell you.  
Q What was your wife's maiden name? A Ross.  
Q She is called in that license Miss Elizabeth Benge; her maiden name was Ross? A Yes sir.  
Q She was a Benge in 1886? A Yes sir.



- Q You were married in July, 1895? A Yes sir.
- Q How long did you live with this woman? A From that time up to September, 1899? A Yes.
- Q How old was she when you married her? A I couldn't tell you.
- Q How old are you when you married her? A 36.
- Q Where do you now live? A South of Vian, six miles.
- Q Why didn't you come to Sallisaw and enroll? A I went down there and I have a ticket that I got there, but was too late to get enrolled. I was sick when they went from there to Muldrow.
- Q You didn't know whether she was divorced from Beas Seabolt or not? A She said she was, and I got a license from the Clerk of the Court at that time, or of the district, who issued the license within a month after she was divorced; something like that.
- Q Did you ever separate from this wife before this last separation? A No sir.
- Q Where did you leave her at? A Twelve miles on the River south of Sallisaw.
- Q You left her on her own place did you? A No, the place I made myself.
- Q Who has possession of that place now? A We have three places; really I guess I should have possession. I collect the rent.
- Q But who is left in actual possession? A Yes, I left her there on the place.
- Q You say the cause of the separation was the children by a former marriage? A Yes, her children were always having trouble.
- Q Boys or girls? A The boy about 18 years old.
- Q What is his name? A Albert Seabolt.
- Q You two have trouble? A The boy and I continually.
- Q Your wife takes side with this boy? A Yes sir.

re-direct.

- 1890 roll; page 682, #84, Lizzie Berge, Sequoyah dist.
- 1891 roll; page 925, #15, Thomas W. Berry, Illinois dist.
- 1893 roll; page 81, #137, Lizzie Berry, Illinois dist.
- Q Have you lived in the Cherokee Nation ever since you married your wife in 1895? A Yes sir.

Commissioner Breckinridge-

The applicant is shown to have been married to his wife under a Cherokee license on July 3, 1895. He is a white man. His wife is identified on the roll of 1890 as a native Cherokee, and they are identified together on the roll of 1896. He has lived in the Cherokee Nation ever since his marriage, and he and his wife lived together until September, 1899, when he left her under the circumstances stated in the testimony. It further appears that his wife was twice previously married. Her first husband being dead at the time of the present marriage, and her second husband Beas Seabolt being alive at the time of the present marriage, and according to the testimony he is still alive. No decree of divorce is presented from Beas Seabolt, and the applicant is not of the opinion that a formality of a decree was observed. For the further consideration of the evidence relating to the separation of the applicant from his wife, and also to await a copy of the decree of divorce of his wife from her second husband, if such was ever obtained, the applicant will now be listed upon a doubtful card as a Cherokee by intermarriage. The applicant was never previously married.

F. J. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes in this case.

Subscribed and sworn to before me this 1st day of November, 1900.

Commissioner.



B

1911

DEPT.  
COMMISSION

CH. RES.

NOV

1906

CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Name *Thomas H. Carr* Date *NOV 12 1900* 1900.  
 District *...* Year *...* Page *...* No. *...*  
 Citizen by blood *...* Mother's citizenship *...*  
 Intermarried citizen *...*

Married under what law *...* Date of marriage *...*  
 License *...* Certificate *...*  
 Wife's name *...*  
 District *...* Year *...* Page *...* No. *...*  
 Citizen by blood *...* Mother's citizenship *...*  
 Intermarried citizen *...*

Married under what law *...* Date of marriage *...*  
 License *Filed NOV 1900* Certificate *Filed NOV 1900*  
 Names of Children: *...*

Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....
Dist. ....	Year .....	Page .....	No. ....	Age .....

*Separation from wife to be considered  
 also record of divorce & wife from former  
 husband to be supported.*

Cherokee Nation, )  
Sequoyah District.)

~~To any persons legally authorized to solemnize marriage—Greeting:~~

Between Mr. Thomas W. Berry, a citizen of the U. S. and Miss Elisabeth Benge, a citizen of C. N. by blood and you are required to return this license to Me, for record within thirty days from the date of such marriage with a certificate signed by you appended thereto.

Given from under my hand and seal of office this the 3rd day of July A. D. 1895.

W. E. Whitsett, Clk. Seq. Dist. C.N.

This is to certify that I, J. G. Brindle, did on the 3rd day of July 1895 solemnize and publish the bonds of Matrimony between the parties named in the license.

Witness my hand and seal this 3 day of July 1895.

Witness Martha McElroy  
L. G. Morris

J. G. Brindle, a ordained M.G.

I hereby certify that the above is a true copy of the original recorded by me on the 15th day of July 1895.

W. E. Whitsett, Clk.  
Sequoyah Dist.

(over)


This is to certify that the foregoing is a true copy of the license on record in this office on Page 188 Rec. of Marriages this 6th day of October 1896.

Seal.

Geo. W. Bethel, Clerk Seq. Dist.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 6, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of the certified copy on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.

D-777.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Claremore, I. T., November 12, 1900.

In the matter of the application of Thomas W. Berry, Card D-777, it is ordered that as supplementary testimony, the fact be stated that on page 239 of the official record of Sequoyah district, Docket "A", now in the possession of the Cherokee Nation, it appears that in the case of ~~Elizabeth Seabolt vs Bean Seabolt~~, she was granted a divorce from the said Bean Seabolt; said proceedings being at the regular May term of the Circuit Court of 1895. It appears therefore that the applicant's wife was duly divorced from her second husband prior to her marriage to the applicant in July 1895, and it is ordered that copies of this statement be filed as supplementary testimony with his case.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the supplementary testimony of this case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 12th day of November, 1900.

  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I.T., December 3, 1900.

In the matter of the application of Thomas W. Berry for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name. A Thomas W. Berry.  
Q How old are you? A 33.  
Q You made application for enrollment at Claremore did you not on the 12th of November? A Yes sir.  
Q You want to give some additional testimony now? A Yes sir.  
Q One question that remained to be considered in your case is the character of the separation from your wife? A That's the way I understood it.  
Q What have you got now to say about it? A Just like it was at that time. I didn't feel like making a living for her and a boy that was grown and him not at work and always around.  
Q What did you do about it? A I lived with her as long as I could, and I quit.  
Q And you haven't been back there since I suppose? A I have went to see her a time or two since that, perhaps three times.

LOVE SIMPSON, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name. A Love Simpson.  
Q How old are you? A If I live to see next June I will be 50.  
Q What is your post-office? A Tomaha.  
Q How long have you lived in the Cherokee Nation? A I have been in the Cherokee nation I reckon 25 years.  
Q Do you know Mr. Berry here? A Yes sir.  
Q Did you know him before he was married to his wife from whom he is separated now? A No sir.  
Q Did you know him while he was married to her, living with her? A Yes sir.  
Q I lived close to him three years I believe.  
Q When was he married? A I don't know, I couldn't tell you what year he was married in.  
Q How long did he live with his wife so far as you know, about three years? A Yes something like that.  
Q Did you move in there then or did he come into your neighborhood? A I moved into his neighborhood.  
Q He was living there married to this woman then? A Yes sir.  
Q And where were you living when the separation took place? A Yes sir, last year I was there.  
Q What was your observation and understanding as a neighbor about the reasonableness of their separation? A All the understanding I had was what he is telling you; he couldn't afford to work for the family and keep up the boy and connection; they would come and stay couple months.  
Q They moved in on him pretty freely? A Yes sir.  
Q Would any of them have work? A This boy was awful neglected and wouldn't do anything; I tried to hire him to chop cotton once and he wouldn't do it.  
Q In his days he look like he just want to live on this man? A Yes sir.  
Q How old was the boy? A About 17 or 18 I guess.  
Q Plenty able to work was he? A Yes sir.  
Q When Berry left his wife do you know anything about the conditions under which he left and what he said? A He was willing to stay with her if they wouldn't impose on him no more. A I heard him say if she would leave that boy off he would stay with her and make a living.

Berry #2

Q Did he say he would come back whenever she got rid of the boy?  
A No, not that I know of.

By Cherokee Rep'ive W. W. Hastings:

Q Did he leave her? A Yes sir.  
Q Where did he go to, how far away from her? A Way he went about 5 miles away, maybe 6.  
Q How long have they been separated? A They have been separated this fall is right close to a year now.  
Q All you know is what he has told you about it? A Yes, that's all I know, what he told me and what I seen about the boy; he lived close and I see the boy was able to be at work and wasn't at work.  
Q How many children had this woman by her former husband? A She just had the one.  
Q And that one boy was the ~~only~~ trouble? A That one boy was the ~~only~~ trouble, that I know anything about.  
Q And this boy was very nearly grown? A Yes sir.  
Q And because this boy was not a working boy ~~and because~~ that was the cause of the separation? A That was the cause of it I guess.

Q Do you know of any other trouble they had other than this?  
A No I don't.  
Q This man though went away from the place where they were living.  
A Yes sir.

By Com'r Breckinridge:

Q This man ever married or taken up with any other woman since he went away from there? A No sir.  
Q Never heard of anything of that sort? A No sir.  
Q Been no divorce proceedings between them? A No sir.

By Cherokee Rep'ive Hastings:

Q Is the ~~man~~ woman older than he is? A Yes sir.  
Q About how much? A I declare, right smart, I don't know exactly how much.  
Q Is she beyond fifty? A She is something near that I expect.

By Com'r Breckinridge:

Q What sort of condition did this man Berry leave the place in, did he leave it in good shape, had he added any improvements there?  
A Oh yes, all the improvements there was he made it himself.  
Q He just took the land unimproved did he? A Yes sir.  
Q And he left very considerable results of his work and industry there? A Yes sir.  
Q And did he leave all that in her care and keeping? A Yes sir, she was there in charge ~~of it~~ of it all.  
Q Did he leave the stock with her? A He took some hogs with him most of the stock she got it.  
Q Did she get all that stock through him? A I don't know, I couldn't say.

By Cherokee Rep'ive Hastings:

Q What is her post-office address? A Sallisaw I guess.  
Applicant: Her post-office is Long.

By Com'r Breckinridge:

Q Did his wife have more than one child when he married her?  
A Oh yes she had several children, some grown and married off.  
Q Were they around about the place much? A They would-sometimes they would come to visit and stay a week or so and maybe 2 weeks maybe longer.

APPLICANT RECALLED:

By Com'r Breckinridge:

Q What have you done towards the support of your wife since you left her? A Have 't done anything only paying her rent on the piece of land that I was cultivating.  
Q Just as any other tenant would pay it? A Yes sir.



Herry 3

Q But you haven't sent her any money except rent money? A No sir, I never give her over a half dollar since we separated.

Q What did you leave her in the way of stock? A There was twenty head of cattle and a horse and about 22 head of hogs, most of them good ones, too and I give her half of the corn I raised.

Q Did that stock get there through your exertions? A There was part of it I had bought when it was young stock, with money that was hers and ~~she~~ taken care of the stock, wintered them and looked after them, you might say raised them.

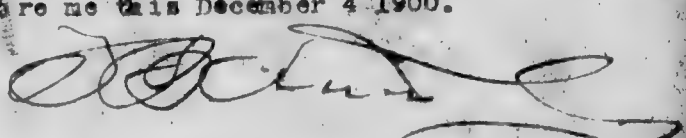
Q Her money had bought them and you did the looking after them? A Yes sir, that's correct.

Com'r Breckinridge: This testimony will be filed in the application of Thomas W. Berry, card D 777.

M. McGreen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this December 4 1900.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of THOMAS W. BERRY as a citizen of the Cherokee Nation; introduced on part of the Cherokee Nation:

Appearances:

I. P. Bledsoe, Chouteau, I.T., Agent for Applicant;  
W. W. Hastings, Cherokee Representative.

ELIZABETH BERRY, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
MR. HASTINGS:

- Q What is your name? A Elizabeth Berry.  
Q What is your age, Mrs. Berry? A 53.  
Q Are you a Cherokee by blood? A Yes, sir.  
Q What was your maiden name? A Ross.  
Q Elizabeth Ross? A Yes, sir.  
Q What was your first husband's name? A William Benge.  
Q Did you live with Benge until he died? A Yes, sir.  
Q What was your second husband's name? A Bean Seabolt.  
Q You and he were divorced? A Yes, sir.  
Q What was your third husband's name? A Thomas W.  
Q About what year did you marry him? A Well, about '95, as well as I can remember.  
Q Next year after the strip payment? A Yes, sir.  
Q You had had some children by previous marriages? A Yes, sir, one, yes, I had older children, but only one with me living.  
Q Where did you and Mr. Berry live after you married? A It was in Illinois district down there on the river, bottom.  
Q Where place was it? A It was my place.  
Q Any of your strip money go into it? A Yes, sir.  
Q About how long did you live with him? A Five years and about two months.  
Q Did you separate then? A Yes, sir; he left me there.  
Q Did he leave you? A Yes, sir.  
Q Did he leave you on the place there? A Yes, sir; he left me on the place.  
Q Where did he go? A He went about ten mile above there in the bottom, called Sandtown bottom, near Vian.  
Q What did he afterwards do with reference to your place you had?  
A He rented the place.  
Q Rented it out from under you? A Yes, sir.  
Q Send the renter down there to take charge? A The renter was right there in half a mile, took possession and he told me he had rented the place.  
Q You had to give it up for him? A Yes, sir.  
Q You did give it up? A Yes, sir.  
Q Now, you claim that he left you, Mrs. Berry? A Yes, sir; he left me.  
Q Has he ever provided for you any since? A No, sir.  
Q Has he ever offered to provide for you any since? A No, sir.  
Q Ever give you anything at all? A No, sir.  
Q Has he ever tried to get you to live with him since?  
A No, sir.



Q Has he ever come about you since? A Yes, sir; he has been up to where I live three or four times.

Q Never asked you to live with him any more? A No, sir.

Q No divorce granted? A No, sir.

Q Now, Mrs. Berry, you claim he left you? A Yes, sir.

Q Left you on the place where you were living? A Left me right on the place.

Q Did you get any proceeds from that place after that? A No, sir.

Q Got no rents after that? A No, sir.

Q Did you have any children by this man? A No, sir.

Q I suppose all your strip money was gone when he quit you?

A All gone and old settler money too.

Q Did you draw old settler money? A Yes, sir.

Q How much? A \$178.

Q And it was all gone too? A Yes, sir.

Q Did part of that go into improving that farm? A No, sir.

Q But part of your strip money did? A Yes, sir.

MR. BLEDSOE:

Q Mrs. Berry, you claim that you and Mr. Berry parted, separated, what was the cause of that separation? A Nothing more than he didn't like my child; he seemed to have a hatred towards it.

Q There was no ill feeling between you and him? A No, sir; only little family dispute over the child.

Q Would that boy work, would he work and try to make a living?

A He worked so far as he was able.

Q How old was that boy? A He was 12 years old when we married.

Q And you all lived together for five years, got along all right for five years and then he left you on account of the disagreeableness of this boy? A It was not disagreeableness of the boy, he was sick.

Q Did Mr. Berry work, did he do anything during that five years he lived with you? A Yes, sir.

Q He was a good worker? A Yes, sir.

Q Good provider? A Yes, sir.

Q He was good to you? A Yes, sir, as I would wish to have.

Q What did he do with that stuff he had, did he drink and gamble it off; or did he put it in the place? A No, sir; he didn't gamble

Q How many places did you have and him when he left you?

A There was two places, but one place, he had nothing to do with it.

Q Wasn't there three places? A No, sir, there was just two places. There was one place he had nothing to do with I bought for my boy, and he is now in possession of it holding it too.

Q Your boy is? A Yes, sir; - no, he is, Berry.

Q Well, how many places did you have when Mr. Berry married you?

A I had only one.

Q How much was in that place? A I don't know.

Q Well, about how much, five, ten, fifteen, 20 acres, or 100 acres?

A I don't know.

Q Was it a little patch, or big patch? A It was about 25 acres in cultivation.

Q How much was in that place when Mr. Berry left you?

(No response.)

Q How many acres in cultivation? A The place I was on?

Q Yes. A Wasn't more than 25.

Q He didn't build any improvements? A No, sir.

Q Didn't build any house or anything? A No, sir.

Q How many acres was in your place the other place?

A It was a small place, was not more than 10 acres in cultivation.

Q How many acres in the place you lived on? A That is what I just answered, wasn't about 25 acres; the other place was not more than ten acres in cultivation.

Q Now, where did this labor that he performed, where did it go? A I could not tell you.

Q How many cattle did you have when he married you? A I disremember.

Q Was any other cattle added to the place? A No, sir.

Q Any more horses then when you married? A No, sir.

Q You are not divorced? A No, sir.

Q You are still his wife under the law? A Yes, sir.

Q And he provided well for you all the time? A Yes, sir, he provided.

MR. HASTINGS:

Q Mrs. Berry, has your husband, Thomas W. Berry, been trying to get you to sign any bills of sale of this property since you separated? A Yes, sir.

Q Sale of these places? A Yes, sir, he tried to get me to sign a bill of sale to that place where he left me on, and I would not sign it.

BLEDSOE:

Q He left you all this property and went off himself? A No, sir, he taken all that belonged to him.

Q What did he take? A He taken cattle.

Q How many cattle did he take? A I disremember how many; he took all he had any claim on.

Q He left you some? A Yes, sir.

MR. HASTINGS:

Q Did you have any cattle before you married? A Yes, sir.

Q What cattle did he leave you, did he leave you the cattle you had and their increase? A Partly.

Q You say he took everything he had any claim to? A Yes, sir.

MR. BLEDSOE:

Q Did he ever tell you, Mrs. Berry, that if you would let this boy get off from him, that he would live with you and support you? A No, sir.

Commission: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902.

On said date the applicant appeared by his Agent, I. P. Bledsoe, and by agreement the case was continued until the 19th day of March, 1902. The Cherokee Nation this day, to-wit: the 11th day of March, 1902, introduces further testimony against the applicant. The applicant is present by his Agent.

The Agent for the applicant and representative of the Cherokee Nation present and by agreement submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*  
Stenographer

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas W. Berry for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 12, 1900, Thomas W. Berry appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 3, 1900, and at Muskogee, Indian Territory, on March 11, 1902.


The evidence shows that the said Thomas W. Berry was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 3, 1898, to Elizabeth Benge, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about five years and then abandoned her. He is identified on the Cherokee Census roll of 1898.


Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 496) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 567, of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

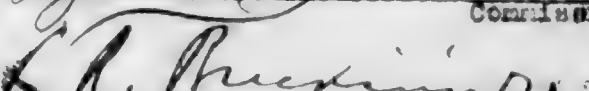
"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas W. Berry as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

16 1902

4.  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

FEB 5 1902

COMMISSIONERS:

HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18, 1902.

Thomas W. Berry

V i a n, Indian Territory.

Sir:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 10, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D. 777

Register

~~Commissioner in Charge.~~  
Commissioner in Charge.

*W. C.*

*2277*

RECEIVED UNDER  
**FILED**  
MAR 10 1902

*[Signature]*  
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of .....  
for enrollment as Cherokee citizens:

Case No. D. ....

To .....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** at 8 o'clock A. M. or from day Indian Territory, on .....  
to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

*W. W. Hastings*  
.....  
Attorneys for the Cherokee Nation.

COPY.

Cher. D 777.

Muskogee, Indian Territory, July 16, 1902.

Thomas W. Berry,

Vian, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished your agent, I. F. Bledsoe, Cheateau, Indian Territory, and the Commission's decision is this day forwarded to him.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Samuel D. Dixby.*

Acting Chairman.

Register.

Enc. C. No. 94.



COPY.

Cher. D 777.

Washoe, Indian Territory, July 16, 1902.

I. F. Eledsee, Esq.,

Agent for Thomas W. Berry,

Chouteau, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Thomas W. Berry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the proceedings had in the case.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Sam Bixby.*

Acting Chairman.

Register.

Enc. C. No. 95.

COPY.

Cher. D 777.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Thomas W. Berry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*J. B. Bixby*

Acting Chairman.

Enc. C. No. 96.

COPY.

Cher. D 722.

Muskogee, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Thomas W. Berry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

*Tom Bixby*

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 97.

Refer in reply to  
the following:  
Land  
42718--1902.

(COPY)

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission dated July 16, 1902, transmitting the record relative to the application of Thomas W. Berry for enrollment as an intermarried citizen of the Cherokee Nation.

The record in this case shows that Thomas W. Berry was married in accordance with the laws of the Cherokee Nation on July 3, 1895 to Elizabeth Benge, a citizen by blood of the Cherokee Nation, and that his name appears on the 1896 Cherokee census roll. The record also shows that the applicant's wife had a son by a former marriage; that the applicant and his wife had trouble about this boy and that he abandoned and deserted his said wife, and that he has not since said abandonment supported or contributed to her support. Section 667 of the compiled laws of the Cherokee Nation declares that "every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship in this nation."

In view of what the record in this case shows the office recommends the approval of the Commission's decision of July 16, 1902, rejecting the applicant.

Very respectfully,  
Your obedient servant,  
A. C. Tonner,  
Acting Commissioner.

G. A. W. (E.)

2771  
D. C. No. 13546-1902.

L. R. S.

49286

RAF.

ITD. 4726-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of July 16, 1902, you transmitted the record in the matter of the application for enrollment of Thomas W. Berry as an intermarried citizen of the Cherokee Nation.

The evidence shows that applicant was lawfully married under a Cherokee marriage license, to Elizabeth Benge, a Cherokee citizen by blood, on July 3, 1895, and that he abandoned his said wife after living with her "about five years;" that he is identified on the Cherokee census roll of 1896. Referring to section 667 of the compiled laws of the Cherokee Nation (1892), declaring that "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this nation," you denied the application.

The Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter of August 4, 1902, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D. L.

Charles S. Voss,

COPY

McAlester, Indian Territory, September 3, 1908.

Thomas W. Derry,

Vian, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of date July 18, 1908, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1908.

Respectfully,

James H. Dyer,  
Acting Chairman.

Cherokee D 477.

CCPV

McKagoo, Indian Territory, September 3, 1902.

I. P. Aladnee,

Agent for Thomas W. Barry,

Chautauk, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Thomas W. Barry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

*James D. Smith*  
Acting Chairman.



Copy

Cherokee N. 171,

McAlester, Indian Territory, September 5, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,

McAlester, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Thomas W. Barry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

James S. Barry  
Acting Chairman.



Cherokee R-694

Muskogee, Indian Territory, November 8, 1902.

Thomas W. Berry,

Vian, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of marriage license and certificate, showing your marriage on July 3, 1898, to Miss Elisabeth Benge.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-3177

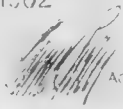
H.

11 1177

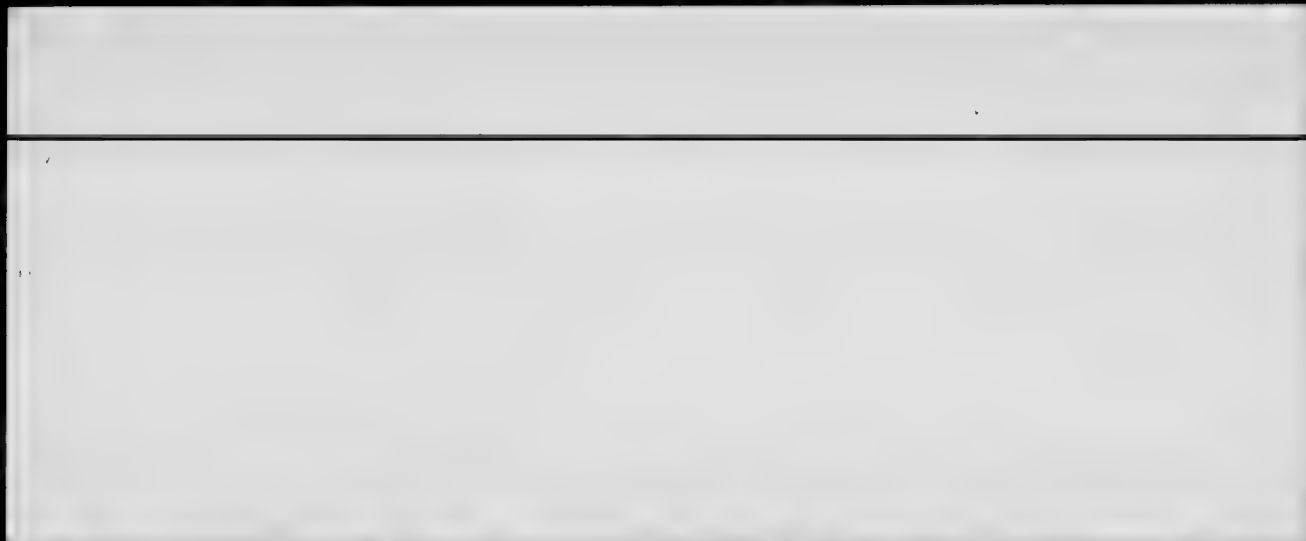
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

1902



ACTING CHIEF



11

1111

FILED  
JUL 24 1902

Cher R 695

Cher R 695

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., November 18, 1900

In the matter of the application of David Weaver for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood: being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A David Weaver.

Q What is your age? A 52.

Q What is your post office address? A Tulsa.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A I have been, yes, sir.

Q By intermarriage or blood? A By intermarriage.

Q Who do you desire to enroll, yourself wife and family? A Yes, sir.

Q What is the name of your wife? A Jennie Weaver.

Q When were you married to her, have you got a certificate of marriage? A I have a United States license.

(The applicant presents a marriage license and certificate of marriage certifying that he was married on the 15th of December, 1890, according to the laws of the United States, said marriage license and certificate being issued by William Nelson, Clerk of the United States Court.)

Q Were you ever married according to the laws of the Indian Territory? A Yes, sir.

Q Did you ever get a license? A Yes, sir.

Q Where is it? A I haven't got any, it is on record, but I was told it being on record, it wasn't necessary; that is the reason I didn't get any.

Q Why were you married by the United States authorities? A At that time they told me we had to get married that way also, I was living with Doc Bennett, and he said I didn't have to, but under the circumstances it was the law and I would have to do it.

Q Now you have got to prove that Indian marriage if you want to be enrolled as a citizen? A Well I can get my certificate I suppose by sending to the office. The sheriff of this county and Doc Bennett and several others went on my petition, and the doctor seen my license.

Q When were you married according to the laws of the Cherokee Nation? A In 1891.

Q Then you married according to the laws of the United States first?

A No, sir, I went there to get my license and they told me I couldn't get the license before I married under the Cherokee law.

Q When were you married under the Cherokee law? A I got my license from D. J. Thornton in 1891.

Q According to this you were married under the United States law in 1890? A Well I got both licenses at the same time, I got the license from one one day and the other license the next day.

Q What was your wife's name before you married her? A Our name

Jennie Weaver, being sworn and examined by Commissioner Needles, testified as follows:

Q What was your father's name? A Will Burgess.

Q Is he living? A Yes, sir.

Q What was your mother's name? A Susanna Vance.

Q Is she living? A No, sir, she is dead.

Q What is your age? A To the best of my knowledge, I am 40.

Q What are the names of your children? A Baby Weaver is the oldest one.

Q How old is Baby? A She is five years old the last of April.

Q The name of your next child? A Joseph Weaver, he was 12 months old the 10th of this month.

Q Just two children? A Yes, sir.

David Weaver - 2.

David Weaver recalled, testified:

Q Is Jennie your first wife? A Yes, sir.

Q Are you her first husband? A I suppose so, I can't say whether she was married or not.

Jennie Weaver recalled, testified:

~~Q Mrs. Weaver, have you been married before? A No, sir.~~

Q You are his first wife? A Yes, sir.

David Weaver, recalled:

Q Have you been living continuously with your wife ever since you married her? A Yes, sir.

Q Living together now? A Yes, sir.

Jennie Weaver, recalled:

Mr. W.W.Hastings, representative of Cherokee Nation: Haven't you been living with somebody else as your husband before you lived with this man? A Yes, sir.

Q What was his name? A Jim Coubert.

Q How long did you live with him? A I lived with him 9 years, but we never were married.

Q You lived as husband and wife? A Yes, sir.

Q Where did you live? A Lived near here, near Claremore, around here.

Q Did you have any children by him? A Yes, sir.

Commissioner Needles: Is your name on the roll of 1880? A I guess so, my father said it was on.

Mr. Hastings: Did you have a brother named John Burgess? A Yes, sir.

Q One named Coole Burgess? A Yes, sir.

Q You are all children of William Burgess? A Yes, sir.

Q The man that wears little rings in his ears? A Yes, sir.

Q Do you know how old are you? A No, sir, I can't tell you, my father put it down when he went to Tahlequah.

David Weaver, recalled, testified:

Commissioner Needles: Is your name on the roll of 1896, do you know? A No, sir, I do not.

(Jennie Weaver on 1896 roll, page 288, No. 5337, Cooweescoowee district.)

Jennie Weaver, recalled, testified:

Commissioner Needles: Are you an own sister to John Burgess?

A Yes, sir.

Q Same father and mother? A Yes, sir.

Q Where were you born? A I don't know, on Grand River I suppose.

Q Have you always lived in the Cherokee Nation? A Yes, sir.

Q Ever live anywhere else? A I always lived here.

Mr. Hastings: Did you ever live in the Creek Nation? A I lived here about a month, backwards and forwards, but I never had any home or anything like that.

Commissioner Needles: Your father and mother Cherokees? A Yes, sir.

J. G. Scrimsher, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A J. G. Scrimsher.

Q Do you know this woman here, Jennie Weaver, used to be Jennie Burgess? A Yes, sir.

Q Do you know her to be a citizen of the Cherokee Nation? A She was always, I believe, recognized; the Burgesses were recognized as citizens.

Q Do you know if they have Cherokee blood? A No, I don't know that only what I have heard, but they have been recognized here.

David Weaver - 3.

Q Always been recognized? A Yes, sir.

Q Do you know any reason why their name is not on the roll of 1880?

A No, sir, I do not.

Jennie Weaver, recalled, testified:

Commissioner Needles: Do you know any reason why your name is not on the roll of 1880? A No, sir, I can't say, my father said it was on.

Q Have you always drawn strip money? A Yes, sir, I have drew money ever since I have been big enough to draw it.

Q Did you draw money in 1894 in Coowe-scoowee district? A Yes, sir (Jennie Weaver on 1894 roll, page 333, No. 4651, Jennie Weaver, Coowe-scoowee district.)

Q You didn't draw for Baby, did you, in 1894? A No, sir.

David Weaver, recalled:

Q Do you know why you and your children were not enrolled in 1896?

A No, sir, I can't say why we were not enrolled.

Commissioner Needles: The name of Jennie Weaver appears upon the census roll of 1896 as Jennie Weaver. Her name does not appear upon the authenticated roll of 1880, although the name of her full brother is upon said roll. She makes satisfactory proof of being always recognized as a Cherokee citizen and as to her residence. She avers that she was married to one David Weaver, the applicant, in the year 1890, and presents a marriage license and certificate issued by the authorities of the United States, but no proof of marriage according to the laws of the Cherokee Nation is presented. She avers that she has two children by said David Weaver, her present husband, Baby, 5 years old, and Joseph, 10 months old, and whose names do not appear upon the census roll of 1896. Neither does the name of her husband, David Weaver, appear upon the census roll of 1896. They being duly identified, and having made satisfactory proof as to their residence, said Jennie Weaver, nee Burgess, will be duly listed for enrollment as a Cherokee citizen by blood. The name of her children, Baby and Joseph, will also be duly listed upon her filing with this Commission satisfactory proof of the birth of said children.

The name of David Weaver does not appear upon the census roll of 1896. He presents proof of his marriage to Jennie Burgess in 1890 according to the laws of the United States. The testimony also shows that his wife, Jennie, lived with another man named Jim Coubert about nine years as man and wife, but they were never married. From the fact that said Jennie Burgess lived with said Coubert for nine years as man and wife, and from the further fact that no satisfactory proof of marriage according to the Cherokee law has been presented, final judgment as to the enrollment of said David Weaver will be suspended and his name will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 12th of November, 1900.

*Bruce C. Jones*  
*[Signature]*



DEPT. OF JUSTICE  
COMM. ON THE JUD. SYSTEM

FILED  
NOV 12 1900

*[Handwritten signature]*  
A. J. ARMAN

Statement of Applicant Taken Under Oath.

## CHEROKEES BY BLOOD AND ADOPTION.

Name Lavinia Hearn Date Nov 2 1900 1900.  
District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_  
Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_  
Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_  
License \_\_\_\_\_ Certificate \_\_\_\_\_  
Wife's name \_\_\_\_\_  
District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_  
Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_  
Intermarried citizen \_\_\_\_\_  
Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_  
License \_\_\_\_\_ Certificate \_\_\_\_\_

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Manaque License and Certificate  
by Cherokee Authority to be supplied

R

D- 778, Cherokee.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of David Weaver for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902. And that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

He was also requested to supply the Commission with evidence of his marriage in accordance with the laws of the Cherokee Nation.

Applicant having this day, to-wit: the 10th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that the testimony in the case is completed, and same is ordered reported to the Commission for final decision based upon the evidence now of record.

-----

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

2778

11

3

11

EXECUTIVE DEPARTMENT



CHEROKEE NATION.  
TAHLEQUAH, INDIAN TERRITORY.

June 6, 1902.

I, J.T. Parks, Executive Secretary do hereby certify that the marriage records of ~~the~~ all the districts of the Cherokee Nation have been placed in this office under act of the National Council, and that I have the same in my legal custody, and upon a careful search of the Marriage Records of Coowascoowee District I am unable to find the record of marriage between David Weaver and Jennie Weaver, nee Burgess recorded therein.

Given from under my hand and seal of  
office on this the day and date  
first above written.

*J.T. Parks*  
Executive Secretary.

CERTIFICATE OF RECORD

United States of America,  
Indian Territory. } SS.  
*First* Judicial Division.

I, WILLIAM NELSON, Clerk of the United States Court in the Indian Territory do hereby certify that the instrument hereto attached the *23* day of *January* A. D. 189 /, was filed for record in my office this *23* day of *January* A. D. 189 /, at *9* o'clock *A*. M. and duly recorded the *23* day of *January* A. D. 189 /, at *10<sup>30</sup>* o'clock *A*. M. in Book *11*, Division *1st*, Page *544*.

Witness my hand and seal of said Court at *Muscogee* in said Territory,

this *23* day of *January* A. D. 189

Clerk.

By

Deputy.

# MARRIAGE LICENSE.

NO. 403

United States of America,  
INDIAN TERRITORY.

To any Person authorized by Law to

First

Judicial Division

You are hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. David Weaver of Choska in the Indian Territory aged 42 years, and Miss Eliza Jane Berges of Choska in the Indian Territory aged 28 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this 13th day of December A. D. 1890

J. M. Nelson

Clerk of the U. S. Court.

B. P. Shackelford

Deputy.

## CERTIFICATE OF MARRIAGE.

United States of America,  
INDIAN TERRITORY,

First

Judicial Division.

I, J. W. Edwards, Minister of the Gospel

Do hereby Certify, that on the Fifteenth day of December A. D. 1890, I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this Fifteenth day of December A. D. 1890

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, Book A Page 24

J. W. Edwards, Minister of the Gospel

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, in the Indian Territory, from whence it was issued, within sixty days from the date thereof, for the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

Copy.

MARRIAGE LICENSE .

No 403

United States of America,  
Indian Territory,  
First Judicial Division.

To any Person authorized by Law  
to solemnize Marriage, Greeting:

You are hereby Commanded to solemnize the Right and publish the Banns of Matrimony between Mr. David Weaver, of Choska, in the Indian Territory, aged 42 years, and Miss Eliza Jane Berges, of Choska, in the Indian Territory, aged 28 years, according to law, and do you officially sign and return this License in the parties therein named.

Witness my hand and Official Seal, this 13th day of December, A.D.1890.

(SEAL)

(signed) Wm. Nelson,  
Clerk of the U.S.Court.  
By W.R.Shackelford, Deputy.

CERTIFICATE OF MARRIAGE .

United States of America,  
Indian Territory,  
First Judicial Division.

I, Jno D. Edwards, a Minister of the gospel Do hereby certify that on the Fifteenth day of December A.D. 1890, I did duly, and according to law, as commanded in the foregoing License, solemnize the Right and publish the Banns of Matrimony between the parties therein named.

Witness my hand this fifteenth day of December, A.D.1890.  
My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book A Page 74.

(signed) Jno. D. Edwards,  
Minister of the gospel.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., July 24, 1902.

I, M.D.Green, being do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that same is a true and complete copy of the original, on file in Cherokee case No. D-778.

M.D.Green



202

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Weaver for his enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

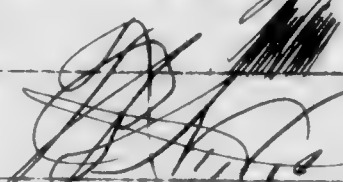
The record in this case shows that on November 17, 1900, David Weaver appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said David Weaver was married under a marriage license issued by the Clerk of the United States Court in the Indian Territory for the Northern District to Jennie Burgess, a citizen by blood of the Cherokee Nation. The evidence fails to establish that the applicant was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application of David Weaver for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.


Dated at Muskogee, I. T.

this JUL 29 1902

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 15 1902



COMMISSIONERS,  
HENRY L. DAWES,  
TAMS BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18, 1902.

David Weaver,

Tulsa, Indian Territory.

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 10, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You will be required to supply the Commission with your Cherokee marriage license and certificate.**

Yours truly,

~~Acting Chairman~~  
Commissioner in Charge

Cherokee D. 778  
Registrar

Cherokee D 778

Muskogee, Indian Territory, May 23, 1908.

Mr. J. T. Parks,  
Executive Secretary, Cherokee Nation,  
T A H L E Q U A N, I. T.

Dear Sir:

Will you please examine the marriage records of Cooweescoowee District for the record of a marriage between David Weaver and Jennie Weaver, nee Burgess. If such a record exists please forward a certified copy of the same to this Commission. If no such record is found kindly certify to that effect.

Yours truly,

Acting Chairman.

COPY.

Cherokee D 778.

Muskogee, Indian Territory, July 29, 1902.

David Weaver,

Tulsa, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. B. Nesbitt*

Commissioner in Charge.

Register.

Enc. C. No. 85.

OC

Muskogee, Indian Territory, July 29, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 86.

**Cherokee D 778.**

**CCP.**

**Muskogee, Indian Territory, July 29, 1902.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is herewith transmitted the record of proceedings had in the matter of the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

**Very respectfully,**

**J. H. H. H.**

**Commissioner in Charge.**

**Through the**

**Commissioner of Indian Affairs.**

**1 Inclosure-**

**C. No. 87.**

Refer in reply to  
the following:  
Land.  
45882-1902.

(COPY)

Department of the Interior,  
Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of David Weaver for enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears that on December 13, 1890, he procured a marriage license from the Clerk of the United States court for the first judicial district of Indian Territory, and that on the 15th day of the same month he was married by John D. Edwards, a minister of the Gospel, to Miss Eliza Jane Burges, a citizen by blood of the Cherokee Nation. He testified that he was married in accordance with the laws of the Cherokee Nation in 1891, and that he got his Cherokee license from D. J. Thornton; also that he got both marriage licenses about the same time.

The only evidence presented tending to show that the applicant herein was married to a Cherokee citizen in accordance with Cherokee laws, is that of David Weaver, which is unsatisfactory in the extreme.

J. T. Parks, executive secretary of the Cherokee Nation



certifies that he is the custodian of the marriage records of that nation, and that he is unable to find the record of marriage of David Weaver and Eliza Jane Burress.

The office is not satisfied with the record in this case. Mr. Weaver mentions the names of several persons who signed his petition for a marriage license under the Cherokee law, and it may be upon a re-examination and further hearing he will be able to show his marriage under that license.

Therefore it is respectfully recommended that the case be remanded to the Commission for further investigation.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14400-1902.

J. W. H.

L. R. S.

51747

CMR

ITD 5000-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 29, 1902, you transmitted the record of proceedings had in the matter of the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including your decision of said date refusing to enroll the applicant.

It appears that David Weaver was married in December 1890 to Eliza Jane Burgess, a citizen by blood of the Cherokee Nation, and that said marriage was performed under authority of a marriage license issued by the clerk of the United States Court for the 1st judicial district of Indian Territory. The applicant testifies that he was also married in accordance with the laws of the Cherokee Nation, in 1891, and that he got his Cherokee license from D. J. Thornton. He alleges that his petition for a Cherokee License was signed by the sheriff of the county, Doc Bennett and several others, and that "Doc" saw his license.

August 15, 1902, the Acting Commissioner of Indian Affairs stated:

"The office is not satisfied with the record in this case. Mr. Weaver mentions the names of several persons who signed his petition for a marriage license under the Cherokee law, and it may be upon a re-examination and further hearing he will be able

to show his marriage under that license.

Therefore it is respectfully recommended that the case be remanded to the Commission for further investigation."

~~It seems that the applicant was examined in November, 1900,~~

and that he was then told that in order to establish his claim it would be necessary for him to show that his marriage was performed in accordance with the Cherokee laws.

It further appears that on February 18, 1902, he was informed that his case would be taken up by the Commission for final consideration on March 10, 1902, and that he failed to appear there in person or by attorney at such date.

It is also noted that J. T. Parks, executive secretary of the Cherokee Nation, certifies that he is the custodian of marriage records of that nation, and that he is unable to find the record of the marriage of David Weaver and Eliza Jane Burgess.

It is believed that the facts as stated above do not warrant a rehearing, and that this applicant is not entitled to enrollment by intermarriage by reason of the fact that such marriage was not performed in accordance with the Cherokee law.

The Department finds no cause to disturb your decision and the same is accordingly affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

Thos. Rya,

Acting Secretary.

HMD.

1 inclosure.

Cherokee D 778.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Jame Birby*  
Acting Chairman.

Cherokee D 778.

Muskogee, Indian Territory, September 17, 1902.

David Weaver,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Tame Bixby.*

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-695

Muskogee, Indian Territory, November 7, 1902.

David Weaver,

Tulsa, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on December 15, 1890, to Miss Eliza Jane Berges.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

  
Acting Chairman.

Enc. M-158

Department of the Interior  
Commission to the Five Civilized Tribes.  
MUSKOGEE, INDIAN.

OFFICIAL BUSINESS

Penalty for private use, \$300.

FILED

OCT 12 1900

ATTEST, CHAIRMAN.

Enc. 10/15/00

Specimen

Marriage License

Ad.

Miss and James W. W.

Cher R 696

Cher R 696



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I. T. November, 13th 1900.

In the matter of the application of Rose E. Bantley for enrollment as a Cherokee citizen. She being first duly sworn testified before the Commission as follows:

- Q What is your name? A. Rose E. Bantley.  
Q What is your age? MA 35.  
Q What is your post office address? A. Lebanon, Missouri.  
Q What district do you live in? A. Cooweescoowee is my district.  
Q Who do you desire to have enrolled? A. Just myself.  
Q What is the name of your father? A. Charles A. Bantley.  
Q Is he living? A. Yes sir.  
Q What is the name of your mother? A. Alice G. Bantley.  
Q Is she living? A. No sir.  
Q You are not married? A. No sir.  
Q Is your name on the 1880 authenticated roll? A. I think it is.  
Q Where do you actually reside? A. In Lebanon, Missouri.

1896 roll, page 115, No 486, Rosa E. Bantley, Cooweescoowee.

- Q Have you some re-admission papers with you? A. Yes sir.  
Q Did you draw Strip money in 1894? A. I think so.

Applicant presents duplicate ~~copy~~ certificate of admission to Cherokee citizenship issued from the office of the Cherokee Commission on Citizenship, dated at Tahlequah October, 13th 1887, signed by J. T. Adair, Chairman of the Commission, G. C. Lipe, clerk of the Commission, approved and endorsed by J. B. Mayes, Principal Chief, attested by Henry Effert, Assistant Executive Secretary, under the Great Seal of the Cherokee Nation, certifying that among others one Rosa E. Bantley was admitted to Cherokee citizenship on that date.  
Q Are you the identical Rosa E. Bantley mentioned in this certificate of admission to citizenship? A. Yes sir.  
Q Where were you living in 1887? A. At Lebanon, Missouri.  
Q Have you lived there ever since? A. Most of the time.

By Mr. Hastings, Cherokee representative:

- Q Where were you born? A. At Lebanon.  
Q Is your mother living? A. No sir.  
Q When did she die? A. In 1881.  
Q Prior to your admission? A. Yes sir.  
Q With whom do you live in Lebanon? A. My father.  
Q He is living there yet? A. Yes sir.  
Q Has lived there continuously ever since your admission? A. Yes sir.  
Q You have not married? A. No sir.  
Q That is your present post office address? A. Yes sir.

By the Commission:-

- Q Is there any other statement that you desire to make in regard to this application? A. Only that I have always owned property here in the Cherokee Nation and have received rents from it. It is near Vinita.  
Q How long have you held these lands? A. Since 1894 or 1896.  
Q Your father and mother never lived in the Territory? A. My mother lived here for a while, my father is a white man.  
Q You say you are now 35 years of age? A. Yes sir.  
Q Do you if you acquired these lands after you became of age? A. I don't know when they acquired them, in 1896 I think.

By Mr. Hastings: Q. From whom did you acquire the land? A. Each child was allowed to take up 160 acres, and we took it up and have a square mile in one body and it is fenced.

a

Rose E. Bantley 3.

Q You have never been there where the land is? A. I have never lived there, but I have been ~~near~~ where it is. Went out there the other day.

By the Commission- Q Did you draw money in 1894? A. Yes sir.

Q That was in 1895 when you got it was it not? A. I dont remember when, I know that I got a check made out to me for the four shares.

Q Was it paid to you at the regular payment, or did you have to get a special act of council passed before it was paid to you? A. I dont know, my father got it for me.

Q He was never admitted to Cherokee citizenship? A. No sir he is a white man.

+++++

The name of Rose E. Bantley appears on the census roll of 1896 and she presents certificate of admission, more particularly described in the testimony, certifying that she was admitted to Cherokee citizenship on October 12th 1897. By reason of her testimony as to her residence, final judgment as to her enrollment will be suspended and she will be placed on a doubtful card. She will be notified at her present post office address as to the final decision of the Commission.

+++++

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

*Chas von Weise*

Subscribed and sworn to before me this the 15th of November, 1900.

*[Signature]*

Commissioner.

DEPARTMENT

MISSION TO THE ... FOR 3LS.

RECEIVED

NOV 10 1900

ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Date *Nov 12 1900*

1900.

Name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

*Rose E. Bantley*

District

COOWEESCOOWEE.

Year

*1896*

Page

*11*

No.

*486*

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

*Doubtful*

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

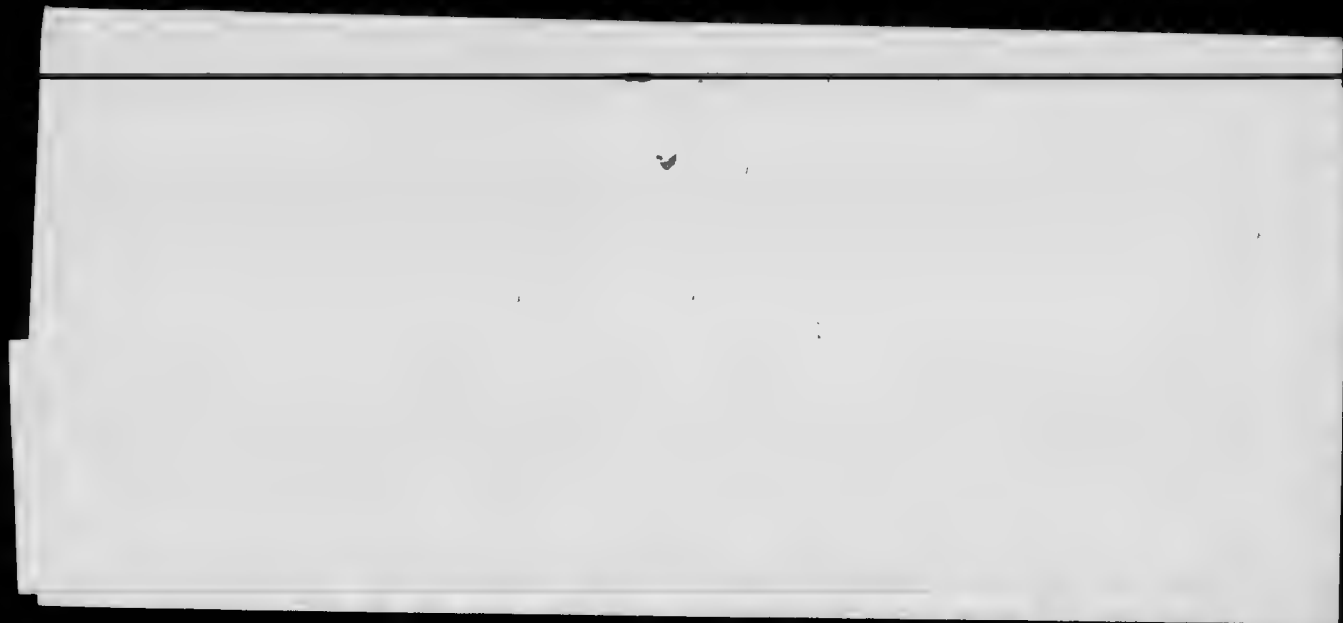
No.

Age

*for 1896*

*Rosa E. Bantley*

*alice*



SUPPLEMENTAL TESTIMONY.

"D" # 781.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CLAREMORE, I.T., NOVEMBER 14th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of  
Rosie E. Bantley for enrollment as a citizen of the Cherokee Nation.

Said Rosie E. Bantley being sworn and examined by Commissioner  
Needles, testified as follows:

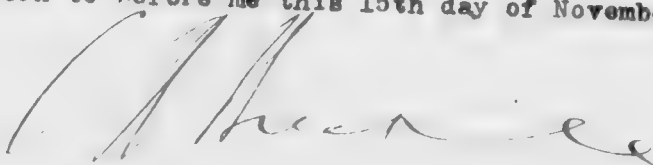
Statement by the Applicant: I want to tell just how I was  
situated. I am my father's house-keeper and I have always had to  
make my home with him, as that is my only support. He has wanted  
to come down here and go in business, and in fact has tried to  
establish a business here in the Territory, but his business is so  
situated at our Town that he cannot leave without great loss and it  
may be in time that we will come; we are planning and hoping for it.  
I could not leave him under any circumstances, because my father is  
very dependent on me. He is getting old and I feel that it is my  
duty to stay with him. I felt like I could make this statement to  
you all and tell you how I was situated and that it might have some  
bearing on my part. My father has always been very much interested  
in the Territory and has been wanting to come, and he made the state-  
ment not long ago that he had moved twice in his life and his third  
move would be to the Territory.

Q You are single and unmarried? A Yes, sir.

---000000000---

J. O. Rosson, being sworn ~~and~~ states that as stenographer to  
the Commission to the Five Civilized Tribes, he correctly recorded  
the testimony and proceedings in this case, and that the foregoing  
is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of November, 1900



Commissioner.

R

C. D9781

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of  
~~Rose W. Bentley for the enrollment of herself as a Cherokee citi-~~  
zen.

Appearances:

Mr. Smith of Mellette & Smith, Vinita, I.T., attorneys  
for the applicant;  
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter  
February 18, 1902, that her application for the enrollment of  
herself as a citizen of the Cherokee Nation would be taken  
up for final consideration by the Commission at its offices  
in Muskogee, Indian Territory on the 10th day of March, 1902.  
Receipt has been acknowledged of the Commission's letter and  
the applicant this day, to-wit: the 10th day of March, 1902,  
appears by her attorneys, Mellette & Smith, Vinita, I.T.

BY COMMISSION OF MR. SMITH: Any statement you desire to make,  
Mr. Smith? A None at all.

Q You submit the application? A Yes sir.

BY COMMISSION: The attorney for the applicant and the rep-  
resentative of the Cherokee Nation present submit the case;  
same is considered completed, and will be reported to the  
Commission for final decision based upon the evidence now of  
record.

The attorney for the applicant requests and will be  
granted 15 days in which to file a brief in this case, one copy  
with the Commission and one copy with the representative of the  
Cherokee Nation.

-----

I, M.D. Green, do hereby certify that as stenographer to the Commis-  
sion to the Five Civilized Tribes I correctly recorded the tes-  
timony and proceedings in this case and that the foregoing is a  
true and complete transcript of my stenographic notes thereof.

M.D. Green



R

C. D9781

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of  
Rose E. Bantley for the enrollment of herself as a Cherokee citizen.

Appearances:

Mr. Smith of Mellette & Smith, Vinita, I.T., attorneys  
for the applicant;  
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by her attorneys, Mellette & Smith, Vinita, I.T.

BY COMMISSION OF MR. SMITH: Any statement you desire to make, Mr. Smith? A None at all.

Q You submit the application? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rose E. Bantley for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 12, 1900, Rose E. Bantley appeared before the Commission at Claremore, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory on November 14, 1900, and at Muskogee, Indian Territory on March 10, 1902.

The evidence shows that Rose E. Bantley was admitted to citizenship in the Cherokee Nation on October 12, 1887 by the duly constituted authorities of said Nation. She is identified on the Cherokee Census roll of 1896.

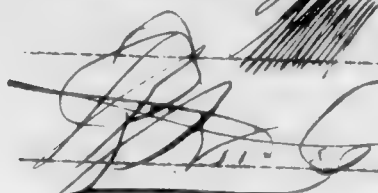
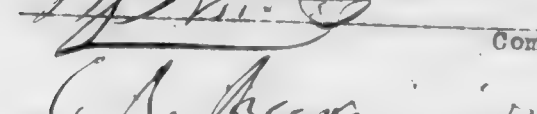

The evidence further shows that the said Rose E. Bantley has never removed to and permanently settled in the Cherokee Nation, and that, at the date of this application she was residing in the State of Missouri.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Rose E. Bantley as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

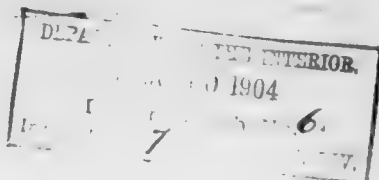
Cherokee D 781.

Rose E. Bantley.

Petition for rehearing.  
Before the Secretary of  
Interior.

AUG 23 1902

5250



In the matter of the enrollment of Ness E. Bantley as a citizen of the Cherokee Nation.

To the Honorable H.A. Hitchcock,  
Secretary of the Interior.

The undersigned Ness E. Bantley would respectfully show to your Honor that she is a citizen by blood of the Cherokee Nation and that she was an applicant as such before the Commission of the Five Civilized Tribes that on July the 29th, the said Commission rendered a decision against her and advised her that the said decision had been transmitted to your Honor for final action, the grounds upon which the decision was based, were that the applicant had not established a permanent residence in the Cherokee Nation,

The petitioner would show to your Honor that she has been for years the owner of valuable property in the said Cherokee Nation and that she only remained out of the Cherokee Nation on account of her father's condition, that she had selected the lands for her allotment and was going to live in the Indian Territory as soon as the health of her father would permit.

She attaches her affidavit to this petition and asks that it be taken as a part of same.

Wherefore the petitioner prays that the decision of the Commission in her case be referred back to the Commission and that she be allowed to introduce proof as to her residence and why she was absent from the Nation so long.

Ness E. Bantley by

  
of counsel for petitioner.

State of Missouri, |

County of Laclede, | ss.

I, Rose E. Bantley, upon my oath state that when I was about twelve years old 160 acres of land near Vinita

I. T. and on Cabin Creek was fenced for me and a house and barn built thereon for me as I was at my fathers in Lebanon Missouri, but made frequent trips to the Territory and after I became of age I established as my home the town of Vinita, but did not remain there- only going there at intervals. My mother was dead and my father was not in very good health and I was the oldest girl and he requested me to stay with him for a while any way and I did so.

The last year or so he got worse and I had to go with him as his attendant to San Antonio Texas and California where we remained some time. We finally came back to Lebanon Missouri, but I did not get to go back to the Territory as he needed my attention day and night and on July 22nd he died and since that time I have been detained here on account of the sickness of my sister Mrs. Berley E. Gey. We will again return to the Territory after her recovery but at present she has physicians attending her and she is not able to be out of her bed.

Mrs. Rose E. Bantley

Subscribed and sworn to before me this 17th day of August 1902.

R. A. Hook  
Judge and Ex Officio Clerk of the  
Probate Court of Laclede County,  
State of Missouri.

State of Missouri,

County of Laclede, ss.

I, Rose E. Bantley, upon my oath state that when I was about twelve years old 160 acres of land near Vinita I. T. and on Cabin Creek was fenced for me and a house and barn built thereon for me as I was at my fathers in Lebanon Missouri, but made frequent trips to the Territory and after I became of age I established as my home the town of Vinita, but did not remain there- only going there at intervals. My mother was dead and my father was not in very good health and I was the oldest girl and he requested me to stay with him for a while any way and I did so.

The last year or so he got worse and I had to go with him as his attendant to San Antonio Texas and California where we remained some time. We finally came back to Lebanon Missouri, but I did not get to go back to the Territory as he needed my attention day and night and on July 22nd he died and since that time I have been detained here on account of the sickness of my sister Mrs. Berley E. Gouy. We will again return to the Territory after her recovery but at present she has physicians attending her and she is not able to be out of her bed.

Mrs. Rose E. Bantley

Subscribed and sworn to before me this 17th day of August 1902.

R. A. Holt  
Judge and Ex Officio Clerk of the  
Probate Court of Laclede County,  
State of Missouri.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
FEB 15 1902

COMMISSIONERS.  
HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Rose E. Bantley,

Lebanon, Mo.

Madam:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 10, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You will be required to supply the Commission with a certificate of your re-admission to Cherokee citizenship.**

Yours truly,

~~ALLISON L. AYLESWORTH~~  
Acting Chairman  
Commissioner in Charge.

**Cherokee D. 781  
Register**



COPY

MacKenzie, Indian Territory, July 26, 1903.

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Rose E. Barker for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 26, 1903, rejecting said application.

Very respectfully,

I. B. Needles  
Commissioner in Charge

Through the

Commissioner of Indian Affairs.

I enclose-

C. B. 791

COPY

Cherokee D 761.

Muskogee, Indian Territory, July 29, 1902.

W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Rose E. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. H. Needles.

Commissioner in Charge.

Enc. C. No. 77.

COPY.

Cherokee D 781.

Muskogee, Indian Territory, July 29, 1902.

Rose M. Mantley,

Lebanon, Missouri.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the commission is informed of the same.

Yours truly,

B. Needles

Commissioner in Charge.

Register.

Enc. C. No. 78.

COPY.

Cherokee D 761.

Muskogee, Indian Territory, July 29, 1902.

~~Edgar Smith,~~

Attorney for Rose E. Bantley,  
Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Rose E. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*B. J. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 76.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Rose E. Gantley for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant was admitted to citizenship October 12, 1887, and her name appears on the Cherokee census roll of 1896; also that she has never removed to and settled in the Cherokee Nation, but that at the date of her application resided in the State of Missouri.

The Commission refused to place her name on the Cherokee roll. The office believes that the Commission's decision was correct and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14499-1902.

L. R. S.

51721

BAF.

ITD. 4964-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On July 29, 1902, you transmitted the record and your decision of that date, in the matter of application of Rose E. Bantley for enrollment as a Cherokee citizen.

The evidence shows that applicant was in 1887 admitted to Cherokee citizenship, and is identified on the Cherokee census roll of 1896; that she has never removed to and settled in good faith in the Cherokee Nation, and at date of her application was a resident of Missouri. You denied the application in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495).

The Acting Commissioner recommends that your decision be approved. A copy of his letter of August 13 is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

Refer in reply to the following:

Land  
51721-1902,  
58000-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

In compliance with the request contained in Department letter of September 29, 1902, the record in the matter of the application of Rose E. Bantley for enrollment as a citizen of the Cherokee Nation is herewith returned to the Department for consideration on motion for review.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

2 inclosures.

COPY.

Cherokee D 781.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Rose B. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Jame Birby.*  
Acting Chairman.



COPY.

Cherokee D 781.

Muskogee, Indian Territory, October 7, 1902.

Edgar Smith,

Attorney for Rose E. Bantley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Rose E. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Sam D. Dixby.*  
Acting Chairman.

Cherokee D 781.

~~Muskogee, Indian Territory, October 7, 1902.~~

Rose E. Bantley,

Lebanon, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

J. P.  
EAF.

DC 18778 DEPARTMENT OF THE INTERIOR,

Washington.

ITD.4964, 5250  
5916 & 6140-1902.

October 11, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

There has been filed in the Department by James S. Davenport, of Vinita, I. T., attorney for Rose E. Bantley, applicant for enrollment as a Cherokee citizen, a petition requesting that the decision of your Commission in her case "be referred back to the Commission, and that she be allowed to introduce proof as to her residence and why she was absent from the nation so long."

The papers in the case were transmitted with your letter of July 29, 1902, - case D 781. On August 29, 1902, the Department affirmed your decision rejecting the application as it appeared that the party was not a resident of the Indian Territory on June 28, 1898, and never had been a bona fide resident thereof. The law provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Even if what is alleged in the applicant's affidavit accompanying the petition were true, in view of this provision of law the Department could afford her no relief.

~~of law the Department could afford her no relief.~~

She states that when she was about 12 years of age a tract of 160 acres of land near Vinita was fenced for her, as she was at her father's in Lebanon, Mo., but made frequent trips to the Territory; that after she became of age she "established" as her home the town of Vinita, but did not remain there, only going there at intervals; that her mother was dead and her father was in poor health, and she was the oldest girl, and he requested her to stay with him for awhile; that the last year or so his health declined, and she had to go with him to San Antonio, Texas, and to California, where they remained some time; that finally they came back to Lebanon, Mo., but she did not go back to the Indian Territory as her father needed her attention day and night; that on "July 22nd he died," and since that time she has been detained at Lebanon, Mo., on account of the sickness of her sister.

The motion is hereby denied, and you will so inform said attorney. A copy of the Acting Commissioner's letter of October 6, 1902, is inclosed.

Respectfully,

Thos Ryan  
Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, October 24, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the petition of James S. Davenport, attorney for Rose E. Bantley, filed in the Department of the Interior, requesting that the decision of the Commission in the matter of the application of Rose E. Bantley for enrollment as a citizen of the Cherokee Nation, be remanded and that she be allowed to introduce further proof as to her residence in the Indian Territory, was, on October 11, 1902, denied.

Respectfully,

Acting Chairman.

Register.

Cherokee 781

Muskogee, Indian Territory, October 24, 1902.

J. S. Davenport,

Attorney for Rose E. Bantley,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that your petition filed in the Department of the Interior, requesting that the decision of this Commission in the matter of the application of Rose E. Bantley for enrollment as a citizen of the Cherokee Nation, be remanded and that she be allowed to introduce further proof as to her residence in the Indian Territory, was, under date of October 11, 1902, denied.

Respectfully,

Acting Chairman.

Register.

Cherokee 791

Muskogee, Indian Territory, October 24, 1902.

Rose E. Bantley,

Lebanon, Missouri.

Dear Madam:-

You are hereby advised that the petition filed by your attorney, James S. Davenport of Vinita, Indian Territory, in the Department of the Interior, requesting that the decision of this Commission in your case be remanded, and that you be allowed to introduce further proof as to your residence in the Indian Territory, was, under date of October 11, 1902, denied.

Respectfully,

Acting Chairman.

Register.

D.C.8900-1904.

I.T.D. 4964-1902.

7162-1903. 2024-1904.

JP  
FHE  
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

MARCH 14, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application of Rose E. Bantley for enrollment as a Cherokee citizen, and on October 11, 1902, it refused an application for a rehearing in the case.

The applicant, at the time the testimony was taken, was 25 years of age. It appears from the testimony that she was admitted to citizenship in the Cherokee Nation on October 12, 1887; that, however, she had never removed to and permanently settled in the Cherokee Nation, and that at the date of the application for enrollment she was residing in Missouri. In rejecting the application, you referred to paragraph 9 of section 21 of the act of June 28, 1898m(30 Stats., 495).

On September 21, 1903, you requested that the case be remanded to you for readjudication in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.



~~Apparently the case comes under the ruling in the Alice~~  
Williams case. (See opinion of the Assistant Attorney General of  
December 29, 1903). As, however, the applicant stated in an affida-  
vit of August 17, 1902, accompanying the motion for a rehearing,  
that when she became of age she "established as my home the town  
of Vinita, but did not remain there - only going there at intervals, &  
you will allow her, if she so desires, to appear before you within  
thirty days from notice, and submit testimony with a view to showing  
that she complied with the Cherokee law of December 4, 1894, which  
provided:

"That all persons who have been or may hereafter be re-  
admitted to citizenship in the Cherokee Nation are hereby required  
to permanently locate within the limits of the Cherokee Nation with-  
in six months from the passage of this act, or from the date of re-  
admission of persons hereafter readmitted, or no rights whatever  
shall accrue to such persons by reason of such readmission: Provided,  
That not in in this act shall bar minors and orphans."

The testimony and papers attached thereto, and the motion  
for rehearing, are enclosed herewith. In due time, report with  
recommendation in the matter.

Respectfully,

Signed Thos Ryan

2 inclosures.

Acting Secretary.

Tahlequah, Indian Territory, March 31, 1904.

Rose E. Brantley,

Lebanon, Missouri.

Dear Madam:

You are hereby advised that on March 14, 1904, the Secretary of the Interior reopened and remanded your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation for the purpose of taking additional testimony in your case showing your continued residence in the Cherokee Nation. The Department directed that you be allowed thirty days in which to appear before this Commission and submit any further testimony you desire tending to prove your right to enrollment as a citizen of the Cherokee Nation, and you will be given thirty days from the date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, for the purpose of giving such testimony.

Your attorneys, James S. Davenport and Edgar Smith, both of Vinita, I.T. have this day been notified of the action of the Department.

Respectfully,

MH

Commissioner in Charge  
Cherokee Land Office.

Tahlequah, Indian Territory, March 31, 1904.

Rose E. Brantley,

Lebanon, Missouri.

Dear Madam:

You are hereby advised that on March 14, 1904, the Secretary of the Interior reopened and remanded your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation for the purpose of taking additional testimony in your case showing your continued residence in the Cherokee Nation. The Department directed that you be allowed thirty days in which to appear before this Commission and submit any further testimony you desire tending to prove your right to enrollment as a citizen of the Cherokee Nation, and you will be given thirty days from the date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, for the purpose of giving such testimony.

Your attorneys, James S. Davenport and Edgar Smith, both of Vinita, I.T. have this day been notified of the action of the Department.

Respectfully,

MH

Commissioner in Charge  
Cherokee Land Office.

Tahlequah, Indian Territory, March 31, 1904.

Edgar Smith,

Attorney for Rose E. Brantley,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on March 14, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, denying the application of Rose E. Brantley for enrollment as a citizen by blood of the Cherokee Nation, and remanded the same for the purpose of taking additional testimony showing the continued residence in the Cherokee Nation of said Rose E. Brantley.

The Department directed that the applicant be given thirty days in which to offer additional evidence as to her right to enrollment, and you are advised that the applicant has this day been notified that she would be given thirty days from this date in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T., for the purpose of introducing such testimony.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH

Tahlequah, Indian Territory, March 31, 1904.

James S. Davenport,

Attorney for Rose E. Brantley,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on March 14, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, denying the application of Rose E. Brantley for enrollment as a citizen by blood of the Cherokee Nation, and remanded the same for the purpose of taking additional testimony showing the continued residence in the Cherokee Nation of said Rose E. Brantley.

The Department directed that the applicant be given thirty days in which to offer additional evidence as to her right to enrollment, and you are advised that the applicant has this day been notified that she would be given thirty days from this date in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T. for the purpose of introducing such testimony.

Respectfully,

MH

Commissioner in Charge  
Cherokee Land Office.

COMMISSIONERS  
TAMM DIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY

ALLISON L. AYKESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R- 696

Tahlequah, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on March 14, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, denying the application of Rose E. Brantley for enrollment as a citizen by blood of the Cherokee Nation, and remanded the same for the purpose of taking additional testimony showing the continued residence in the Cherokee Nation of said Rose E. Brantley.

The Department directed that the applicant be given thirty days in which to offer additional evidence as to her right to enrollment, and you are advised that the applicant has this day been notified that she would be given thirty days from this date in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T., for the purpose of introducing such testimony.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge  
Cherokee Land Office.

MH

Tahlequah, Indian Territory, June 10, 1904.

Commission to the Five Civilized Tribes,

( Cherokee Division)

Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith, original jacket and record in the matter of the application for the enrollment as a citizen by blood of the Cherokee Nation, of Rose E. Bantley.

On March 14, 1904, the Secretary of the Interior reopened and remanded this case to the Commission for the purpose of taking additional testimony therein. The applicant, her attorney and the Attorney for the Cherokee Nation were notified on March 31, 1904, that they would be given thirty days from that date in which to appear before this office of the Commission and submit any further testimony they desired relative to her right to enrollment as a Cherokee citizen. There was no appearance in this case on or before May 31, 1904, and the record is therefore transmitted for such further action as the Commission desires to take.

Respectfully,

C. R. Breckinridge,

Commissioner in Charge  
Cherokee Land Office.

MBR  
Encl. R-3

Cherokee R-696,  
D-781.

Muskogee, Indian Territory, August 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On September 21, 1904, the Commissioner advised that the case of Rose E. Bentley, Cherokee D-781, had been referred for final decision in accordance with the provisions of the Statute of March 11, 1904, 10 Stat. 1033.

The Department in its decision of March 1, 1904, (U. S. D. 4-2 04) recommended that she be allowed to appear before the Commission and submit further testimony in her case.

On March 31, 1904, the applicant and her attorney were notified that they would be allowed thirty days from that date in which to appear before the Commission at Tahlequah, Indian Territory, and submit any further proof they desired, relative to her rights to enrollment as a Cherokee citizen. There was no appearance in this case within the thirty days from the date of said notice.

Upon a re-examination of this case, the Commission finds no error in its decision of July 29, 1902, denying the application of said Rose E. Bentley for enrollment as a



citizen by blood of the Cherokee Nation, and considers that the rulings of the department in the cases of Joseph D. Yeargain, et al., ( I.T.D. 2900-1903), and Allie Williams, ( I.T.D. 9086-1903), not applicable to the within case, and respectfully recommends that its said decision herein be approved.

Respectfully,

  
\_\_\_\_\_  
Chairman.  
\_\_\_\_\_  
Commissioner.  
\_\_\_\_\_  
Commissioner.

Encl. 6-7.

Through the

Commissioner of Indian Affairs.

Cherokee B-494.

Muskogee, Indian Territory, August 31, 1904.

Rose E. Bantley,

Lebanon, Missouri.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, the Commission's decision in which case, rejecting your said application, was approved by the Secretary of the Interior on August 29, 1902, and afterwards reopened and remanded by the Secretary on March 14, 1904, there is herewith enclosed a copy of the Commission's letter of this date addressed to the Secretary of the Interior asking that the former decision in this case be again approved.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. B-56.

Chairman.

Division 2-604,

Washington, Indian Territory, August 21, 1904.

Myer Smith,  
Attorney for Ross E. Bentley,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Ross E. Bentley for enrollment as a citizen by blood of the Cherokee Nation, the Commission's decision in which case rejecting said application, was approved by the Secretary of the Interior on August 29, 1902, and afterwards reopened and remanded by the Secretary on March 14, 1904, there is herewith enclosed a copy of the Commission's letter of this date, addressed to the Secretary of the Interior, asking that the former decision in this case be again approved.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-60.

Enclosed.

RECEIVED  
JUL 28 1904  
U. S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

CHEROKEE B-604.

Hot Springs, Indian Territory, August 21, 1904.

V. V. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

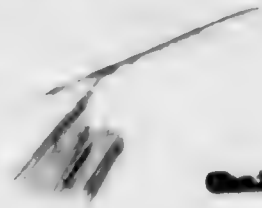
Dear Sir:

In the matter of the application of Ross E. Bentley for enrollment as a citizen by blood of the Cherokee Nation, the Commission's decision in which case rejecting said application, was approved by the Secretary of the Interior on August 20, 1902, and afterwards reopened and remanded by the Secretary on March 14, 1904, there is herewith enclosed a copy of the Commission's letter of this date, addressed to the Secretary of the Interior, asking that the former decision in this case be again approved.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-64.



Chairman.

Land.  
59932-1904.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON October 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 29, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Rose E. Bantley.

July 29, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was admitted to citizenship in the Cherokee Nation on October 12, 1887, by the constituted authorities of that Nation, and she is identified on the Cherokee census roll of 1896. It is further shown that the applicant was born and has always resided in the State of Missouri, and has never established a home in the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

M. M. W.  
W.

A. C. Tonner,  
Acting Commissioner.

DEPARTMENT OF THE INTERIOR  
D.C. 39549-1904. WASHINGTON October 14, 1904.  
I. T. P. 10184-1904.

Y.P. (COPY)

FHE

L.H.H.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application of Rose E. Bantley for enrollment as a citizen of the Cherokee Nation. March 14, 1904, you were directed to allow the party thirty days within which to submit testimony with a view to showing that she complied with the Cherokee law of December 4, 1894. August 29, 1904, you advised the Department that on March 31, 1904, the applicant and her attorney were notified that they would be allowed thirty days from that date within which to appear before the Commission at Tahlequah, and submit any further proof that they desired relative to her right to enrollment as a Cherokee citizen, and that no further appearance had been made by them. You recommended that your decision be approved.

The Acting Commissioner of Indian Affairs, submitting your report October 10, 1904, concurs in your recommendation. A copy of his letter is inclosed.

The decision of the Department of August 29, 1902, is adhered to. You will so advise the claimant.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY.

Cherokee B-696.

Muskogee, Indian Territory, November 28, 1904.

Rose E. Bentley,

Lebanon, Missouri.

Dear Madam:

You are hereby advised that the Commission is in receipt of departmental letter of October 14, 1904, in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, wherein the Department adheres to its decision of August 29, 1902, rejecting your said application.

Respectfully,

SIGNED. *Tams Birby*  
Chairman.

COPY.

Cherokee R-596.

Muskogee, Indian Territory, November 22, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission is in receipt of departmental letter of October 14, 1904, in the matter of the application for the enrollment of Rose E. Bantley, et al., wherein the Department adheres to its decision of August 29, 1902, rejecting said application.

Respectfully,

(SIGNED) *Tame Bixby*  
Chairman.



DATA  
COMMISS

1962

PL 1, 12 11

1962

*[Handwritten signature]*

ACTING CHAIRMAN

1962

2

1862

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the  
matter of the application of

for enrollment as

citizen

of the Cherokee Nation.

McCallister

Cherokee No. 781

Hepp

Cher R 697

Cher R 697

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Clarendon, I.T. November 13th, 1900

IN THE MATTER OF THE APPLICATION OF CALVIN S. COOPER FOR  
THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE  
CITIZENS.

The said Calvin S. Cooper, being sworn and examined by Commis-  
sioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please. A Calvin S. Cooper.

Q How old are you? A Forty-seven years old, past.

Q What is your post office? A Collinsville.

Q You live in Cooweescoowee District, do you? A Yes, sir;  
I suppose it is Cooweescoowee.

Q Have you a wife? A Yes, sir.

Q How many children have you? A Four children.

Q Are you a Cherokee by blood? A Yes, sir.

Q What is your wife? A She is a white woman.

Q How long have you lived in the Cherokee Nation? A Well,  
I have been living here off and on for the last twelve or fifteen  
years,--fifteen years I guess, working at the carpenter trade,  
and that caused me to work in different places.

Q Where did you live before you came to the Territory first?

A In Texas.

Q Are you a recognized citizen of the Cherokee Nation? A  
By the court, yes, sir.

Q Have you a copy of the decree? A Yes, sir.

Q Where have you lived for the last three years? A Part  
of the time here and part of the time in Oklahoma City.

Q Well, are you keeping house? A Part of the time, yes,  
sir. My wife and I have been separated for sometime.

Q Well, I want to know where your actual residence is.

A Well, I claim my residence here.

Q Do you live up to your claims?--that is the question.

A I am at my home. I count it my home.

Q You didn't do any voting out there? A No, sir; I have  
not for a long time.

Q When did you vote in Oklahoma last? A About two years  
ago in the City election.

Q That was in the fall of 1898? A Yes, sir.

Q Have you done any voting since that? A No, sir.

Q Anywhere? A No, sir; not since 1893.

Q Where were you the first of January, two years ago last Jan-  
uary? A Let's see; I don't remember just now where I was.

Q Where were you pretty much during the year 1898? A Well,  
in 1898 I was in the Territory, I think, in 1893, two years ago.

Q Where were you most of last year, during the year 1899?

A I was part of the time in the Territory and part of the time  
in Oklahoma city.

Q Where were you most of the time? A Well, I expect I  
was mostly in Oklahoma City of that time.

Q Where have you been mostly this year? A Well, about  
half the time there and half the time here. I expect I was  
in the Territory here most of the time this year.

Q Where are you keeping house? A I ain't keeping house.  
I told you just now we and my wife separated.

Q I thought you might have your children. A Well, the  
children are with her. She kept the children and I am boarding.

Q Where is your wife? A At Oklahoma City.

Q When did you separate from your wife? A It has been  
four or five years ago when we first separated.

Q You have been living together since that? A We went  
back and lived together a while and we quit again about three  
years ago.

Calvin S. Cooper--2.

Q Well, have you got a divorce from her? A No, sir.

Q You have left her and left the children wither? A Yes, sir; she kept the children.

Q And you are boarding? A Yes, sir.

Q She didn't leave you? A No, we just kind of agreed to quit, and not live together any longer.

Q And you left, did you? A Yes, sir.

Q She didn't drive you away? A No, sir.

Q She did not scandalize you in anyway? A No, sir.

Q You just couldn't get along satisfactorily and quit? A Yes, sir. We couldn't agree and we quit.

Q You left her? A I just pulled out, yes, sir.

Q Are those children all out there now? A Yes, sir; they was when I left there.

Q How long has your wife been living out there? A She has been out there eleven years.

Q Hasn't she been living here at all in the Cherokee Nation?

A Oh, she has live d here, yes, sir, but then she has been living there in Oklahoma City where she is for the last eleven years.

Q She has got the minor children there with her? A Yes, sir.

Q Now, is she living there with those children in a home that you have provided for them? A Well, she has--no, she has not got the home now I provided. We sold the place since that time and we haven't had any place.

Q When did you sell it? A It has been about six years ago since I sold that place.

Q How does she happen to be living in Oklahoma City for the last six or seven years? A Well, we went out there to make some money working at the carpenter trade--that is my trade.

Q Was it by your direction that your family were living there? A Yes, sir. I thought I could make some money there.

Q That is where you desired your children to be? A Yes, sir; it is where I wanted to make some money.

Q I am speaking now with special reference to the rights of your wife and children. It doesn't bear on your rights in all probability. Now, was it by your direction that your children have lived in Oklahoma? A Yes, sir.

Q Has your wife been living there taking care of them? A Yes, sir; she is there with the children. She has got the children in her charge at present.

Q And has during all this six or seven years she has been living there? A Yes, sir. I have been there in the town part of the time, and part of the time here.

Q Now, give me your wife's name. A Georgia Cooper.

Q Has she any middle name? A Not that I know of.

Q How old is she? A She is forty-seven past.

Q Give me the names of your children. A Charlie W. Cooper.

Q How old is that child? A He is twenty-two.

Q He will have to apply for himself; he is over age. Give me the next child. A Tennie.

Q How old is that child? A She is seventeen past, somewhere along there.

Q The next child? A Dovie.

Q How old is that child? A She is eleven, I believe.

Q Now, the next child? A Ruthie.

Q ~~Now~~ How old is that child? A She is six years old.

Q That is all, is it? A Yes, sir.

Q They are all living now, are they? A Yes, sir; they were a few days ago.

Calvin B. Cooper et al--3.

Q Now, during this time you have been living out in Oklahoma City, or staying there, have you had some interests here in the Cherokee Nation all the while,--interests in the way of farming or investments? A I haven't had any farming interest.

Q Or money invested? A No, sir.

Q You haven't had any property back here? A No, sir; I never bought any. I have staken me out a place. I was calculating to make me a farm here.

Q You haven't fenced it up any or made any improvements? A No, sir.

(Examination by Mr. W. W. Hastings, representative of the Cherokee Nation.)

Q Your wife and family, as you testified, have been living in Oklahoma City for eleven years? A She has.

Q And you have been separated for the last three years? A Five years.

Q Now, where have you lived in the Cherokee Nation? A I lived over here on Grand River.

Q At what place? A Marcum Prairie, with my step-mother.

Q What was her name? A Cooper.

Q Her first name? A Emily F. Cooper.

Q How long did you live with her? A About five weeks.

Q What did you do over there? A I was working part of the time on the farm, and part of the time helping the boys on their crops.

Q And did you get anything for that? A I didn't charge them anything only my board.

Q You were over there on a visit, weren't you? A No, I came over there to meet this Dawes Commission, is what I went over there for.

Q When? A Two years ago.

Q You came up there on business then? A That was my calculation, yes, sir.

Q Now where did you ever live in the Cherokee Nation other than you have stated? A Out close to Adair.

Q With whom did you live close to Adair? A The same party

Q How long did you live there? A I was there about three or four months, three months, I guess.

Q What did you do there? Were you on a business trip again? A Well, it was along in the farm season of the year, and when I got over there the boys was behing with their crops and I pulled in and helped them on the crop again.

Q About how long? A I suppose I was there with them there on the farm about a month, I guess, and helped them plant some of their corn that they didn't get to plant. It was about the first of June, I guess, when I went there.

Q Your wife and children were at Oklahoma City? A Yes, sir.

Q Were you at any other place in the Cherokee Nation? A I am now at Collinsville. I came to Collinsville last July, and I staid there about a month, and I am there now at Collinsville.

Q When did you come there this last time? A About a month and a half ago. I went over there, I guess, about the 5th of Last Month.

Q Have you remained at Collinsville continuously since the 5th of last month. A Not right in Collinsville since the fifth, but I have been there three weeks continuously. I expect to make my home there. I have some contracts to work when I get back there.

Calvin S. Cooper et al---4.

MR. W. W. HASTINGS: (Cherokee Representative) Comes now the representative of the Cherokee Nation and protests against the enrollment of this man, his wife and minor children, first upon the ground that the United States Court for the Southern District of the Indian Territory, sitting at Ardmore, had no jurisdiction over an appeal in citizenship cases against the Cherokee Nation; Second, on the ground of non-residence.

THE COMMISSIONER: It is shown by the Dawes Commission Records, Docket B, page 235, Commission No. 4361, that application was made by Eliza S. Gilliam et al, to the Dawes Commission for admission to Cherokee citizenship, in 1896. The application was denied by the Commission. An appeal was taken to the United States Court; the judgment of the Commission was reversed by the court as to certain persons mentioned in said application, and among those who were granted citizenship by the court appears the name of the applicant, his wife, and his three minor children, Tennie, Dovie and Ruthie. The court No. is not given in the record now available. It appears that this ~~is~~ is a decision of the Court sitting at Ardmore, I.T.

THE COMMISSIONER: The record shows that the applicant and his wife, and his three minor children Tennie, Dovie and Ruthie, were admitted to citizenship by the United States Court sitting at Ardmore, I.T., on appeal from the Dawes Commission, their original application having been made in 1896. The testimony discloses a doubtful state of facts as regards, particularly, the residence of the applicant, second, as to the residence of his wife, and third, as to the residence of his children, who were minors at the time the Court granted them the rights of citizenship, and are still minors.

The applicant and his wife have been separated for several years, but the testimony does not disclose that this involved any abandonment of him by her, and there has been no divorce between them. upon a doubtful card

He and his children will now be listed for enrollment as Cherokees by blood, and his wife will be listed upon the same card as a Cherokee by adoption.

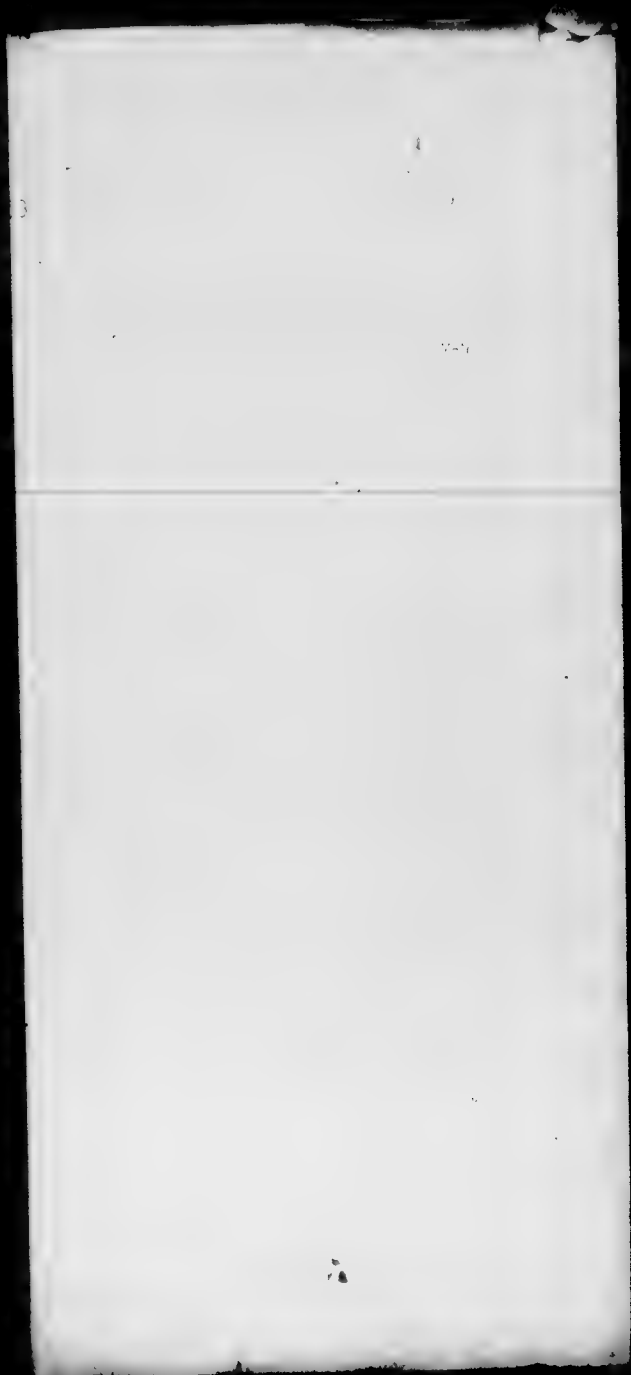
The final decision of the Commission will be made known to the applicant at his post office address. It is desired also to call attention to the question of jurisdiction arising out of the action granting citizenship to these parties being by the United States Court at Ardmore, the jurisdiction of which court in Cherokee cases is questioned by the Cherokee representative present.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November 1900.

*W. S. McLean*  
*[Signature]*  
Commissioner.





CHEROKEES BY BLOOD AND ADOPTION.

1 Name Calvin S. Cooper Collinsville, Mo. Date NOV 10 1900.

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood Yes Mother's citizenship \_\_\_\_\_

Intermarried citizen Yes

Married under what law \_\_\_\_\_

License \_\_\_\_\_

Date of marriage \_\_\_\_\_

2 Wife's name Georgia Cooper Certificate Disputed

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood Yes Mother's citizenship \_\_\_\_\_

Intermarried citizen Yes

Married under what law \_\_\_\_\_

License \_\_\_\_\_

Date of marriage \_\_\_\_\_

Names of Children:

3 Reenie Cooper Dist. \_\_\_\_\_ Year 1896 Page \_\_\_\_\_ No. \_\_\_\_\_ Age 17

4 Dorie Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age 11

5 Ruthie Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age 6

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Application filed with Darius Corn, Apt. 9, 1896, application denied appeal taken and judgment reversed, See Page 235- Mr. 436, District B.

R

C. D-790

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Calvin S. Cooper for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has not been acknowledged of the Commission's letter.

J.C.STARR, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. C. Starr.  
Q What is your age? A 31, post-office, Vinita, I. T.  
Q Are you stenographer for the Cherokee Nation? A Yes sir.  
Q Did you try to get any service upon the applicant, Calvin S. Cooper? A Yes sir, I did; I sent notice to the City Marshal at Collinsville, I. T., and got a letter from him stating that Calvin S. Cooper was living in Oklahoma City, Oklahoma Territory, and had been living there for sometime; didn't say how long.

BY MR. HASTINGS: The representative of the Cherokee Nation desires that the case be closed with the right reserved to introduce a certified copy of th all of the original papers filed before the Commission in 1896 or before the court on appeal, and also a brief.

BY COMMISSION: The applicant having this day, to-wit: the 10th day of March, 1902, been called and failing to respond, either in person or by attorney, it is considered that the case is completed and same will be reported to the Commission for final decision based upon the evidence now of record, in addition to the papers asked to be filed by the Cherokee Nation.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*M.D.Green*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Calvin S. Cooper for the enrollment of himself and three minor children Tennie, Dovie and Ruthie Cooper as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Georgia Cooper as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 13, 1900, Calvin S. Cooper appeared before the Commission at Claremore, Indian Territory and made personal application for the enrollment of himself and three minor children Tennie, Dovie and Ruthie Cooper as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Georgia Cooper as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 10, 1902.

The evidence and an examination of the records of the Commission to the Five Civilized Tribes show that application was made on September 9, 1896, to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, for the admission to citizenship in the Cherokee Nation of the said Calvin S. Cooper, Tennie Cooper, Dovie Cooper, Ruthie Cooper and Georgia Cooper; that their application was denied, and upon appeal to the United States Court in the Indian Territory for the Southern District the decision of the Commission was reversed and the parties above named were admitted to citizenship in the Cherokee Nation by the judgment of said Court.

It further appears that the said Georgia Cooper and her children Tennie, Dovie and Ruthie Cooper, have been, and are now residing in Oklahoma Territory and have never resided in Indian Territory. It further appears that the principal applicant, Calvin S. Cooper, has never removed to and in good faith settled in the Indian Territory since the date of his admission, or at any time.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Calvin S. Cooper, Georgia Cooper, Tennie Cooper, Dovie Cooper and Ruthie Cooper should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner

Dated at Muskogee, I. T.

this JUL 16 1902

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE LONE CIVILIZED TRIBES.

**FILED**  
FEB 25 1902

COMMISSIONERS

HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18,

1902.

Calvin S. Cooper,

Collinsville, Indian Ter.

Sir:

You are hereby notified that the application of **yourself, wife and three**  
**minor children**  
for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 10, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

~~Arthur Chatter~~  
Commissioner in Charge.

Cherokee D. 790  
Register

Cherokee D-790.

Muskogee, Indian Territory, July 16, 1902.

Calvin S. Cooper,  
Collinsville, Indian Territory.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself and your three children, Tennie, Davis and Luthie Cooper, as citizens by blood, and for the enrollment of your wife, Georgia Cooper, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rejecting said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enc. H-8.

Muskogee, Indian Territory, July 16, 1903.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Calvin S. Cooper for the enrollment of himself and his three children, Tennie, Devie and Ruthie Cooper, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-2.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Calvin S. Cooper for the enrollment of himself and his three children, Tennie, Dovie and Ruthie Cooper, as citizens by blood, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner of  
Indian Affairs.

1 inclosure.

H-10.



Refer in reply to  
the following:  
Land.  
42,718-1902.

(Copy)

Department of the Interior,  
Office of Indian Affairs,

Washington, July 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding for the Department's consideration, the record relative to the application of Calvin S. Cooper for the enrollment of himself and his three minor children, Tennie, Dovie and Ruthie Cooper, as citizens, by blood, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage, of the Cherokee Nation.

July 16, 1902, the commission held that the parties were not entitled to enrollment.

The record in this case shows that on September 9, 1896, the parties above named applied to the commission for enrollment as citizens of the Cherokee Nation in accordance with the provisions of the Act of June 10, 1896; that their application was denied; that an appeal was taken to the United States Court for the southern district of the Indian Territory; that the decision of the commission was reversed, and that the parties above named were declared to be citizens of the Cherokee nation.

The record in this case shows that these parties now reside in Oklahoma and that they have long resided, or, at least, that Calvin

S. Cooper has resided part of the time, in the Cherokee Nation.

The office does not believe that the commission has any jurisdiction in this case further than to place the names of these applicants upon the rolls of the Cherokee Nation.

At the time they were admitted to citizenship in the Cherokee Nation, the Act of June 28, 1898, declaring that no person shall be enrolled who has not removed to and settled in the nation in which he claims citizenship, was not in effect.

When these parties were admitted in 1896 by the decree of the court it was the duty of the commission, when notified of said decision, to immediately place their names upon the rolls of said nation as citizens thereof, and the office does not believe that the commission can now question these parties as to where they lived, and that its only duty is to enroll them.

It is therefore respectfully recommended that the commission be instructed to comply with the decree of the court declaring these applicants to be citizens and place their names upon the Cherokee rolls.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G. A. W.)

P.

5790

D. C. No. 13621-1902.

J. P.

L. R. S.

49700

RAF.

ITD. 4492-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Calvin S. Cooper for the enrollment of himself and his children, Tennie, Duffie and Ruthie Cooper, as citizens, by blood of the Cherokee Nation, and for the enrollment of his wife, Georgia Cooper, as a citizen of said nation by intermarriage.

It appears that the United States court in the Indian Territory, Southern District, admitted said parties to citizenship in said nation under authority of the act of June 10, 1896 (29 Stat., 321); that Georgia Cooper and her said children have been and are now residing in Oklahoma Territory, and have never resided in the Indian Territory; that Calvin S. Cooper has never settled in the Indian Territory since the date of his admission. Referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," you rejected the application July 16, 1902.

Reporting in the matter July 24, 1902, the Acting Commissioner recommends that your decision be not concurred in. The reasons for this recommendation are the same as those given by him in the case

- 2 -

of Charles W. Cooper, in which case the Department affirmed your decision by letter of even date, and, in accordance with the views therein expressed, and as it finds no reason otherwise to disturb your decision in the present case, it is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

COPY.

Cherokee D 790.

Muskogee, Indian Territory, September 4, 1902.

Calvin S. Cooper,

Gallineville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself and your three minor children, Tennie, Dovie and Ruthie Cooper, as citizens by blood, and for the enrollment of your wife, Georgia Cooper, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Acting Chairman.

Cherokee D 790.

COPY.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Calvin S. Cooper for the enrollment of himself and his three minor children, Tennie, Dovie and Ruthie Cooper, as citizens by blood, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Acting Chairman.

D.C.777

DEPARTMENT OF THE INTERIOR.

J.P.

I.T.D. 8085-1902.

CMR.

L.R.S.

Washington, January 5, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

December 23, 1902, Mr. Jesse H. Hill, Muskogee, Indian Territory, attorney for Calvin S. Cooper, submitted a motion for a review of departmental decision of August 19, 1902, rejecting the application of said Cooper and others for enrollment as citizens of the Cherokee Nation.

There is no dispute as to the material facts as stated in said decision, viz: that the United States court in the Indian Territory, Southern District, admitted said parties to citizenship in said nation under authority contained in the act of June 6, 1896 (29 Stat., 321); "that Georgia Cooper and her said children have been and are now residing in Oklahoma Territory, and have never resided in the Indian Territory; that Calvin S. Cooper has never resided in the Indian Territory since the date of his admission."

The decision of the Department sustained your decision rejecting the application because the act of June 28, 1898 (30 Stat., 495), provides that, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." Reference was made to departmental decision of same date in the case of Charles W. Cooper, in which it was said that -

"The admission of Cooper to citizenship by the court placed him in the exact position of any other citizen of the Cherokee Nation; it gave no right superior to that of any other citizen who was on a confirmed roll of the nation and not compelled to establish citizenship rights as provided by the act of June 10, 1896. Any citizen could decitizenize himself, and it cannot be contended that any citizen entitled to enrollment prior to June 28, 1898, by virtue of his enrollment on the Cherokee roll of 1880, would be entitled to enrollment by you if he had abandoned his residence and removed from the Indian Territory, and had not returned to and in good faith settled in said Territory on June 28, 1898;"

that there is no good reason why a citizen, found to be such by the court, who had in like manner ceased to be a resident in good faith of the Indian Territory on June 28, 1898, or had not returned there at that time, should be enrolled.

The contentions now made that the construction given the law by your Commission is wrong, that the language contained in said act of June 28, 1898, only applies to such persons as have not been duly and lawfully enrolled upon the confirmed rolls of the various nations or admitted to citizenship prior to its enactment, have been presented to the Department heretofore. The Department has, however, concurred in your views of the law and has affirmed your decision in numerous cases similar to the one under consideration. It does not consider it necessary to enter into any discussion of the matter involved in the various assumptions in the present motion.

Speaking of the 1880 Cherokee roll, in regard to which it was provided in the act of June 28, 1898, that your Commission should "enroll all persons now living whose names are found on said roll," the Department stated, August 6, 1902, in the case of Philip T. Johnson, that the law did not intend to say that one thus enrolled



could not afterwards abandon the tribe or otherwise forfeit his citizenship. This is equally applicable to one who was admitted by the court under the act of 1896, and the provision of the act of June 28, 1898, in question, was intended to forfeit all citizenship rights claimed by any member of either of the Five Civilized Tribes who was not then a bona fide resident of the nation in which he claimed citizenship.

Respectfully,

(signed) Thos. Ryan,  
Acting Secretary.

Muskogee, Indian Territory, January 17, 1903.

Jesse F. Hill,

Attorney for Calvin S. Cooper et al.,

Muskogee, Indian Territory.

Dear Sir:-

There is herewith enclosed you a copy of Departmental letter dated January 8, 1903, denying your motion for a review of Departmental decision of August 19, 1902, rejecting the application of Calvin S. Cooper et al., for enrollment as citizens of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-76

C O P Y.

WCY

DEPARTMENT OF THE INTERIOR, THE  
Washington, April 4, 1904.

I. T. D. 4499-1902.

~~7162-1903.~~

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1902, the Department affirmed your decision rejecting the application of Calvin S. Cooper, for the enrollment of himself, his wife Georgia, and his three minor children, Tennie, Dovie and Ruthie Cooper, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore, et al., and Mary L. Strickland, et al., the Department finds no reason to disturb its decision of August 19, 1902.

Respectfully,

Thos Ryan

Acting Secretary.

COMMISSIONER  
TAMM HENRY,  
THOMAS A. HENRY,  
C. B. HENRY,  
W. C. HENRY,  
W. C. HENRY,  
W. C. HENRY,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee B-697.

Muskogee, Indian Territory, March 30, 1905.

G. A. Woolley,

Cleveland County, Oklahoma.

Dear Madam:

The Commission is in receipt of your letter of February 12, 1905, relative to the enrollment of yourself and children as citizens of the Cherokee Nation.

In reply you are advised that the Commission's decision rejecting the application for the enrollment of Calvin S. Cooper, his wife Georgia, and minor children, Tennie, Dovie and Ruthie Cooper, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Chairman.

Cher R 698

Cher R 698

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Claremore, I.T., November 14, 1900.

In the matter of the application of ~~the~~ Robert Henry Williams for the enrollment of his wife and children as Cherokee citizens, being sworn and examined by Commissioner Brookbridge he testified as follows:

- Q Give me your full name? A Robert Henry Williams  
Q How old are you? A 35  
Q What is your post-office? A Vian  
Q In what district do you live? A Illinois.  
Q Who is it you want to have enrolled? A I want to have my wife and children.  
Q And yourself? A No sir.  
Q You are a white man are you? A Yes sir  
Q When did you marry? A Married ~~the~~ 14~~th~~ years ago.  
Q You did not marry according to Cherokee law? A No sir  
Q How many children? A 3  
Q You apply then for your wife and three children? A Yes sir  
Q Is your wife a Cherokee by blood? A Yes sir  
Q What is her full name? A Martha Williams.  
Q How old is she? A 32  
Q What was her name when you married her? A Tynar.  
Q Was that her maiden name? A Yes sir  
Q Give me the name of her father? A Lewis Tynar.  
Q Is he dead? A Yes sir  
Q Give me the name of her mother? A Ann.  
Q Is she dead? A Yes sir, she died when she was small.  
Q When did you marry your wife? A It will be 14 years ago next January.  
Q How long has she lived in the Cherokee Nation? A 25 or 6 years.  
Q Is she a recognized citizen of the Cherokee Nation? A Hasn't been.  
Q Is she on any roll of the Cherokee Nation? A No sir.  
Q Did you ever apply to the Dawes commission for her enrollment?  
A No sir, not before this.  
Q You didn't apply in 1896? A Yes sir, I applied then.  
Q What was the style of the case? A Robert H. Williams.  
Q Your wife was included then in your application made under the title of R. H. Williams? A Yes sir  
Com'r: The record of the Dawes Commission shows that an application was denied, and no appeal was taken to the United States Court.  
Applicant: There was an appeal taken.  
Q What evidence have you got, the record doesn't show it.  
A I have got no evidence with me, but there has been evidence showed to this Commission since it has been enrolling that there was an appeal taken.  
Q Were you rejected on appeal? A No sir, we were admitted on appeal.  
Q Have you got that paper? A No sir, some of the other parties haven't and they was to meet me here.  
App: You claim citizenship through the Jesse L. Tynar case.  
Examined by Cherokee Atty W.W. Hastings:  
Q You don't claim to be Cherokee by blood at all, - you are a white man? A Yes sir, that's right.  
Q Is your wife included in any of these names I have called off?  
A No sir.  
Q What kin is Jesse L. Tynar to your wife? A Uncle.  
I made application for my wife and children before the Dawes Commission in 1896.  
Q You didn't make application yourself, individually? A No sir  
Q Did you have any children in 1896? A I had three, the same three I have got now.

Q Did you say your wife's father's name was Lewis C. Tyner? A  
No sir, that is her brother; her father's name was just Lewis.  
Q Was your wife ever married before she married you? A No sir.  
Q Have you and she lived together ever since you were married.  
A Yes sir.  
Q Now give me the names of your three children? A The oldest  
one is Annie Williams.  
Q How old is that child? A 12.  
Q And the next child? A Emma.  
Q How old is she? A 10.  
Q The next child? A John F.  
A How old is that child? A 4 years old.  
Q These children are all living now? A Yes sir.  
Q Have you and your wife and these children all lived con-  
tinuously in the Cherokee Nation for the last five or six years?  
A Yes sir.

Com'r Breckinridge: The records of the Dawes Commission Docket  
"B", page 105 #3598 show that in the case entitled Jesse L. Tyner,  
and which included other applicants, application was made for ad-  
mission to Cherokee citizenship in September 1896 to the Dawes  
Commission; this application was denied, and an appeal was taken to  
the United States Court, and the judgment of the Commission was re-  
versed by the United States Court, court #191; the records now ac-  
cessible do not appear to be accurate; the applicant says that  
his wife was included in that application; while he, who does not  
claim to be a Cherokee citizen, not being a Cherokee by blood, and  
never having married according to Cherokee law, is included in the  
list here given of persons admitted by the United States Court, and  
his wife is not mentioned. For the further consideration of this  
case and the consultation of the original records, this applica-  
tion for the enrollment of the applicant's wife and three children  
will be placed upon a doubtful card, and the final result will be  
made known to the applicant at his post-office address.

M. D. Green, being first duly sworn, states that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

*M. D. Green*

Subscribed and sworn to before me this 14th day of November 1900.

*OK J. D. C.*

Commissioner.

MAN



# CHEROKEES BY BLOOD AND ADOPTION.

Date *NOV 1*

1900.

Name

*Vian D. G.*

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

*Martha Williams*

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

<i>2 Anne Williams</i>	Dist. _____	Year _____	Page _____	No. _____	Age <i>12</i>
<i>3 Emma</i>	Dist. _____	Year _____	Page _____	No. _____	Age <i>10</i>
<i>4 John F.</i>	Dist. _____	Year _____	Page _____	No. _____	Age <i>4</i>
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
<i>Father T. H. Williams</i>	Dist. _____	Year _____	Page <i>w-2</i>	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____

*Rejected by Dances Com. 1898, appealed and  
 Judgment Reversed. No. 3378. Page 105 -  
 Docket B. Court No. 191*

"R"

Cherokee D 792

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the  
application of Martha Williams for the enrollment of herself and  
children as Cherokee citizens.

Appearances:

N.A.Gibson, attorney for the Applicants, (Muskogee, I.T.)  
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorney were notified by registered letter February 14, 1902, that the application of Martha Williams for the enrollment of herself and children as citizens of the Cherokee nation would be taken up by the Commission for consideration on the first day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the first day of March, 1902, appears by her attorney, N.A.Gibson.

JOHN W. TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name? A John W. Tyner.

Q Are you acquainted with Martha Williams, the applicant in this case? A I am acquainted with one Martha Williams, I suppose it is the same one.

Q I mean the wife of Robert H. Williams? A Robert H. Williams, yes sir.

Q Is she related to you? A I suppose she is.

Q What relation is she to you? A First cousin.

Q Whose daughter is she? A She was Lewis Tyner's.

Q What relation was Lewis Tyner to you? A Lewis Tyner was my uncle.

Q State whether or not Robert H. Williams her husband is an Indian by blood or otherwise? A No, he don't claim to be Indian by blood. Robert H. Williams don't.

Q Do you know whether or not Martha Williams is Indian by blood?

BY MR. HASTINGS: I object to that question, because the Commission is not making inquiry as to blood, but the right to enrollment as a recognized citizen of the Cherokee Nation, it being not a question of blood, but a question of present citizenship.

BY COMMISSION: Objection will be noted; answer the question.

A Why, she claims it.

BY MR. HASTINGS: (Waives cross-examination.)

LEWIS TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name? A Lewis Tyner.

Q Are you acquainted with Robert H. Williams? A Yes sir.

Q Are you acquainted with his wife, Martha Williams? A I am, yes sir.

Q State whether or not she is related to you? A She is my sister.

Q How old is she? A I guess she is about 34.

Q Do you know when she was married to Robert H. Williams? A She was married in 1887, or 1886, I don't remember which.

Q Do you know how many children she has? A They have got three children.

Q Can you give their names and ages? A I can't give you their ages correct, Annie is the oldest one, she is 14 I reckon.

Q Who is the next one? A Emma, I don't know her middle name.

Q How old is Emma? A I guess she is about 12.

Q The other child? A Is about 6 I guess, John; I don't know his middle name.

Q He is about six you say? A Somewhere about six I think.

Q State whether these children have been born to her since her marriage to Robert H. Williams? A They have.

Q Is she a full sister of yours? A She is, yes sir.

Q State whether or not Robert H. Williams, has ever claimed to be a Cherokee Indian by blood? A Never claimed it as I ever heard.

Q Where were they married? A They was married near Webbers Falls.

Q In the Cherokee Nation? A Yes sir, Canadian District.

Q In 1887 you say? A Latter part of 1886 or the first part of 1887.

MR. HASTINGS waives cross-examination.

BY MR. GIBSON: We would ask the Commission to introduce as evidence the records of the Commission in 1896 showing the proceedings had in the matter of the application of Martha Williams and her family for enrollment as citizens of the Cherokee Nation. We want the docket entry, not the pleadings, simply the docket record.

BY COMMISSION: The following record appears upon the Dawes Commission docket of citizenship cases heard under the provisions of the act of Congress approved June 10, 1896:

"Martha Williams,

vs

Cherokee Nation.

Filed September 8, 1896; answer filed; application denied, Vinita, Indian Territory, October 24, 1896. Appealed; judgment sustained.

11/10/99"

(Page 222, Cherokee No. 1415, Court No. 308.)

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M.D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M.D. Green*

Subscribed and sworn to before me this March 4, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Williams and her minor children Annie, Emma and John F. Williams as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 14, 1900, Robert Henry Williams appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his wife Martha Williams and his minor children Annie, Emma and John F. Williams as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of this application March 1, 1902, at Muskogee, Indian Territory.

An examination of the records of the Commission to the Five Civilized Tribes shows that application was made to such Commission, under the provisions of the Act of Congress, June 10, 1896, for admission to Cherokee citizenship of the said Martha Williams, her husband Robert H. Williams and her said children, Annie, Emma and John F. Williams; that the application was denied October 24, 1896; that an appeal was taken from such decision to the United States Court in the Indian Territory for the Northern District, and that the decision of the Commission was sustained by said Court.

An examination of the records of the United States Court, in the possession of this Commission, in the case of Jesse L. Tyner, et.al. vs. Cherokee Nation, appealed from the Commission to the Five Civilized Tribes to the United States Court in the Indian Territory for the Northern District, it appears that one Robert Williams was admitted to citizenship in the Cherokee Nation by the judgment of the said Court in said cause. It further appears that the Robert Williams in that case was a descendant of a Cherokee Indian. Robert H. Williams, the husband of Martha Williams, is a white man, and is not identified as the Robert Williams named in the above mentioned judgment. There is nothing in the evidence or in the records herein mentioned to show that the said Robert Williams was intended for the applicant, Martha Williams. None of the parties to this application are identified on the Cherokee tribal rolls.

It is, therefore, the opinion of this Commission that the application for the enrollment of Martha Williams, Annie Williams, Emma Williams and John F. Williams as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
Commissioner.  
Commissioner

Dated at Muskogee, I.T.

JUL 29 1902

this

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
FEB 23 1902

COMMISSIONERS.  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

February 18,

1902.

Robert Henry Williams,

Vien, Indian Territory

Sir:

You are hereby notified that the application of  
your wife, Martha Williams  
and three minor children  
for enrollment as citizen of the Cherokee Nation will be taken up for final consideration  
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 1, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

*Copy to M. A. Gibson,  
Muskogee, I.T.*  
Yours truly,

Cherokee D. 792

Acting Chairman.  
~~XXXXXXXXXX~~  
Commissioner in Charge

CCPY

Cherokee D 792.

Muskogee, Indian Territory, July 29, 1908.

Robert H. Williams,

Dutch Mills, Arkansas.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of your wife, Martha Williams, and your three children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation. There has this day been forwarded your attorney, W. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings had in the case, together with the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. Needles*  
Commissioner in Charge.

Register.

Enc. C. No. 50.

COPY

Cherokee D 792.

Muskogee, Indian Territory, July 29, 1902.

M. A. Gibson,

Attorney for Martha Williams, et al.,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Robert W. Williams for the enrollment of his wife, Martha Williams, and his three children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation, together with the decision of the Commission to the Five Civilized Tribes, rejecting said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. B. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 51.



Cherokee D 792.

COPY

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert H. Williams for the enrollment of his wife, Martha Williams, and his three children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. I. Needles.*

Commissioner in Charge.

Enc. C. No. 52.

Cherokee D 792.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert H. Williams for the enrollment of his wife, Martha Williams, and his three children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*cc'd lcs*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 53.

Refer in reply to  
the following:  
Land  
45882-1902.

(COPY)

Department of the Interior,

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Robert Henry Williams for the enrollment of his wife, Martha Williams, and of his children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation.

The evidence shows that the names of the applicants do not appear on any of the rolls of the Cherokee Nation; that application was made by them to the Commission in 1896; that the application was denied and that the decision of the Commission was sustained on appeal to the United States courts.

The Commission declined to enroll the applicants. The office is of the opinion that the Commission's action was correct and respectfully recommends that its decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14496-1902.

L. R. S.

51779

EAF.

ITD. 4986-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Martha Williams and her minor children, Annie, Emma and John F. Williams, as citizens of the Cherokee Nation.

The evidence shows that under the act of June 10, 1896 (29 Stat., 321), your Commission denied the right of these applicants to be enrolled as Cherokees, and upon appeal the United States Court sustained your decision; that none of the applicants is identified on any Cherokee tribal roll. You denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 14, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

RMD.

COPY

Cherokee D 792.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert H. Williams for the enrollment of his wife, Martha Williams, and his three minor children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*Samuel D. Kirby*  
Acting Chairman.

COPY.

Cherokee D 792.

Muskogee, Indian Territory, October 7, 1902.

N. A. Gibson,

Attorney for Martha Williams, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert H. Williams for the enrollment of his wife, Martha Williams, and his three minor children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*James D. Doby*  
Acting Chairman.

COPY.

Cherokee D 792.

Muskogee, Indian Territory, October 7, 1902.

Robert H. Williams,

Dutch Mills, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of your wife, Martha Williams, and your three minor children, Annie, Emma and John F. Williams, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

Cher R 699

Cher R 699



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I. T. November, 19th 1900.

In the matter of the application of Charles H. Bantley for the enrollment of himself as a Cherokee citizen. He being sworn before Commissioner BBeckinridge testified as follows-

- Q What is your name? A. Charles H. Bantley.  
Q What is your age? A. 31.  
Q What is your post office address? A. Lebanon.  
Q Are you a Cherokee by blood? A. Yes sir.  
Q What degree of blood do you claim? A. 1/16.  
Q For whom do you make application? A. Myself.  
Q How long have you actually resided in the Cherokee Nation? A. Never have resided here.  
Q Have you ever been in the Cherokee Nation except this time? A. Yes sir. Several times.  
Q How long did you remain? A. Just a week or so each time.  
Q Do you own any property in the Cherokee Nation? A. Yes sir.  
Q Where? A. Near Vinita.  
Q Is it in farm lands? A. Yes sir part in cultivation and part in pasture land.  
Q How much is in cultivation? A. Cant say have never been there but once.  
Q What is the name of your father? A. C. A. Bantley.  
Q Is he living? A. Yes sir.  
Q Where does he reside? A. Lebanon, Missouri.  
Q Is he a white man? A. Yes sir.  
Q What is the name of your mother? A. Alice G.  
Q Is she living? A. No sir.  
Q Is she a Cherokee or white? A. Cherokee.  
Q Did your mother ever reside in the Cherokee Nation? A. I dont know whether she did or not.  
Q Where were you born? A. Lebanon, Missouri.  
Q When did your mother die? A. September, 1881.  
Q Was that before you were admitted to citizenship? A. Yes sir.  
Q With whom are you living in Lebanon? A. With my father.  
Q You have lived there ever since your admission to Cherokee citizenship have you? A. Yes sir.  
Q How long have you owned property in the Cherokee Nation? A. Some 7 years.  
Q Have you been upon that land? A. Yes sir.  
Q Never lived there though? A. No sir.  
Q Did you draw money in 1894? A. Yes sir.  
Q Was it paid to you after the regular payment was made? A. I dont know.  
Q Were you ever admitted to Cherokee citizenship by act of the Cherokee National Council? A. Yes sir.

The applicant presents a certificate of admission to Cherokee citizenship issued at Tahlequah on the 12th of October, 1887, signed by D. W. Lipe, Acting Chairman of the Committee on Citizenship and by Henry Biffert, Clerk of the Committee, approved by D. W. Bushyhead Principal Chief, and bearing the seal of the Cherokee Nation, certifying that among others one Charles H. Bantley, male, age at that time 8 years was admitted to Cherokee citizenship.

- Q Is the Charles H. Bantley mentioned in this certificate yourself?  
A. Yes sir.

Document is returned to the applicant.

1896 roll, page 115, No 488, Charles H. Bantley, Cooweescoowee N. C

- Q Is there any other statement that you desire to make in regard to this application? A. No sir.

By Mr. Starr, Cherokee Representative-

Charles H. Bentley 2.

Q Where were you living on the 28th of June 1898? A. I was at Lebanon Missouri.

Q As a matter of fact you have never lived in the Cherokee Nation?  
A I have not.

Q Did you vote at the last election in Missouri? A. Wasn't old enough.

By the Commission- The name of the applicant appears on the census roll of 1896, and he presents a certificate of admission certifying that he was admitted to Cherokee citizenship on the 13<sup>th</sup> of October 1887, By reason of his testimony as to his residence the final judgment of the Commission as to his enrollment will be suspended and he will be placed on a doubtful card and he will be notified in writing of the final decision of the Commission as to his application.

Attention is called to an act of the Cherokee National Council approved December 4th 1894, which appears on page 128 of the 6<sup>th</sup> Annual Report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30th 1899, which read as follows: " That all persons who have been or may hereafter be admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of re-admission of persons hereafter re-admitted , or no rights whatever shall accrue to such person by reason of such re-admission. Provided however, that nothing in this act shall be construed as to apply to minors etc. " Attention is also called to Sec. 31 of an act of Congress approved June 28th 1898, which reads as follows: " No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 20th of November, 1900

Commissioner.

Q

8

2

2



R

C. D-828

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

~~SUPPLEMENTAL PROCEEDINGS~~ in the matter of the application of  
Charles F. Bantley for the enrollment of himself as a Cherokee  
citizen.

Appearances:

Mr. Smith of Mellette & Smith, Vinita, I.T.

W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by his attorneys, Mellette & Smith, Vinita, I.T., and by agreement with the representative of the Cherokee Nation the case is taken up for final consideration.

BY COMMISSION OF MR. SMITH: Any statement, Mr. Smith, you desire to make? A No sir.

Q You desire to file a brief? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representative of the Cherokee Nation present submit the case; same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record. The attorneys for the applicant request and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP

{ Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation.

To all Whom it May Concern--Greeting:

This is to Certify, That the following named, to-wit: Oscar G. Bantly, male age 14 years, Rosa E Banly female age 12 yrs. Burley E. Banly female, age 10 years & Charles H. Banley Male age 8 years did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, application for Cherokee Citizenship," make such application to and before said "Commission" on the 12th day of October 1887; that the proof submitted by the above named Oscar G. Bantly in support of there said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council--and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the Twelfth day of October 1887

D. W. Lipe  
Atg. Chairman Com. on Citizenship.

Attest:

Henry Biffert  
Clerk Com. on Citizenship.

Approved and endorsed:  
D. W. Bushyhead  
Principal Chief C. N.

Seal

R. O. Trent  
Asst. Rx. Secty C. N.

-----  
Muskogee, I. T., May 29, 1902.

I, H. . . Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Certificate of Admission to Cherokee Citizenship, which is now on file in the office of the Commission.

H. M. Vance

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP

{ Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation.

To all Whom it May Concern--Greeting:

This is to Certify, That the following named, to-wit: Oscar G. Bantly, male age 14 years, Rosa E. Banly female age 12 yrs. Burley E. Banly female, age 10 years & Charles H. Banley Male age 8 years did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, application for Cherokee Citizenship," make such application to and before said "Commission" on the 12th day of October 1887; that the proof submitted by the above named Oscar G. Bantly in support of there said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council--and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the Twelfth day of October 1887

D. W. Lips  
Actg. Chairman Com. on Citizenship.

Attest:

Henry Riffert  
Clerk Com. on Citizenship.

Seal

Approved and endorsed:  
D. W. Bushyhead  
Principal Chief C. N.  
R. O. Trent  
Asst. Rx. Secty C. N.

-----  
Muskogee, I. T., May 29, 1902.

I, H. . Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Certificate of Admission to Cherokee Citizenship, which is now on file in the office of the Commission.

H. Vance



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles H. Bantley as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on November 19, 1900, Charles H. Bantley appeared before the Commission at Chelsea, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 10, 1902.


The evidence shows that Charles H. Bantley was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities on October 12, 1887. From the time of said re-admission up to and including the date of this application he has resided in the State of Missouri. He is identified on the Cherokee Census Roll of 1894.

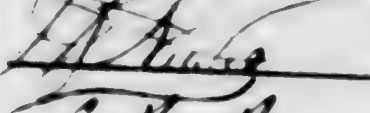
Paragraph 9 of Section 21, the Act of Congress approved June 28, 1898, (30 Stats., 496), provides:


"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;-----"

It is, therefore, the opinion of this Commission that the application for the enrollment of Charles H. Bantley as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 15 1902



Q

W. S.

FILED

1901

11

RECORDED.  
HARRY L. BROWN  
TAMM BISHOP  
THOMAS S. HARRIS  
J. A. BARNETT  
ALFRED L. WILSON  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

February 10,

1902.

Mr. Charles H. Bentley,

Lebanon, Missouri,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the 11th day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Charles H. Bentley  
Register.

Yours truly,

Commissioner in Charge.

Mayor of the City of Boston 1900

March 7, 1902

I hereby certify that I and the within the  
with me and Charles H. Dantley by delivery  
to him a copy of the decree of the police of  
with the City of Boston not in the City of Boston  
March 1902

RECEIVED  
MAY 10 1902  
CITY OF BOSTON

John Courne

Subscribed & sworn to before me  
Notary of the City of Boston

E

10824

C.D. 828

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-

in notice on .....

by delivering a true copy thereof on the

day of ..... A. D. 190

Given under my hand this

day of ..... A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

day of ..... 190

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190

Subscribed and sworn to before me

this

Notary Public.

Waynes office City of Leavenworth Mo  
March 4<sup>th</sup> 1902

I hereby certify that I served the within on the  
with the named Charles H. Baantley by delivering  
to him a copy of the same at his place of business  
in the City of Leavenworth Mo this 4<sup>th</sup> day March 1902

DEPARTMENT OF THE INTERIOR  
BUREAU OF LANDS  
DIVISION TO THE FIVE CIVIL DISTRICTS  
FILE  
13 100902

John Brown  
Mustace  
Subscribed & sworn to before me.

File #100

This 7<sup>th</sup> day of March 1902

MY COMMISSION EXPIRES MARCH 5, 1902

W. D. Appendergast  
Notary Public

## NOTICE!

IN THE MATTER OF the application of .....  
for enrollment as Cherokee citizens:

Case No. D. ....

To: ..... :

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

*M. W. Hashing*  
.....  
Attorneys for the Cherokee Nation.

RECEIVED  
COMMUNICATIONS SECTION  
JAN 10 1950

RECEIVED

51

W. V. G. J. March 11 1912

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the  
matter of the application of Charles H. Bandy

for enrollment as a citizen

of the Cherokee Nation.

Cherokee No. 878

Received from  
attly for a specimen

Cherokee D 825.

COPY.

Muskogee, Indian Territory, August 15, 1902.

W. W. Hastings, Esquire,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application of Charles F. Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tamr Bixby.*

Acting Chairman.

Enc. C. No. 29.



COPY.

Muskogee, Indian Territory, August 15, 1902.

Charles H. Bentley,

Lebanon, Missouri.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tams Bixby.*

Acting Chairman.

Enc. C. No. 53.

Register.

COPY

Cherokee D 828.

Muskogee, Indian Territory, August 15, 1902.

Edgar Smith,

Attorney for Charles H. Bantley,

Vinita, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application of Charles H. Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tams Bixby.*

Acting Chairman.

Enc. C. No. 54.

Register.

Cherokee D 828.

COPY.

Muskogee, Indian Territory, August 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles H. Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated August 15, 1902, denying the application for the enrollment of said Charles H. Bantley as a citizen of the Cherokee Nation.

Very respectfully,

*Tams Bixby.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 5.

Refer in reply to  
the following:  
Land  
49711-1902.

COPY.

Department of the Interior,

~~Office of Indian Affairs,~~

Washington, Sept. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Charles H. Bantley for enrollment as a citizen by blood of the Cherokee Nation.

It appears that applicant was admitted to citizenship in the Cherokee Nation by the authorities thereof on October 12, 1887, and that he never removed to and in good faith settled in the Cherokee Nation, but has ever since resided in Lebanon, Missouri, making occasional visits to the Cherokee Nation. He has had a farm in cultivation there, but is unable to state how much land he has under cultivation as he never was there but once.

The Commission declined to enroll the applicant and the office respectfully recommends that it's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 15418-1902.

5-5501

L. R. S.

447

EAF.

ITD. 5516-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 15, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 15, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Charles H. Bantley as a Cherokee citizen.

The evidence shows that applicant was readmitted to Cherokee citizenship in 1887, and that since his readmission he has resided continuously in the State of Missouri. He is identified on the Cherokee census roll of 1896. Section 21 of the act of June 28, 1898 (30 Stat., 495), provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." You therefore denied the application.

Forwarding the papers September 4, 1902, the Acting Commissioner of Indian Affairs recommended approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

COPY.

Cherokee D 828.

Muskogee, Indian Territory, October 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of Charles H. Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

*Samuel B. Bantley*  
Acting Chairman.

COPY.

Cherokee D 328.

Muskogee, Indian Territory, October 4, 1902.

Edgar Smith,

Attorney for Charles H. Bantley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of Charles H. Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

*James D. By.*

Acting Chairman.

FY.

Cherokee D 828.

Muskogee, Indian Territory, October 4, 1902.

Charles H. Bantley,  
Lebanon, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

*Tamc Dixey.*  
Acting Chairman.



7801-1904.

DEPARTMENT OF THE INTERIOR,

JP  
~~THE~~  
LRS

ITD 5516-1902.  
7162-1903.

WASHINGTON.

March 5, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

September 15, 1902, the Department affirmed your decision rejecting the application for enrollment of Charles H. Bantley as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that this case, among others, be remanded to you for readjudication under the ruling of the Department in the Yeargain case.

The Department does not consider, in view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams, that the facts warrant the remanding of this case. It appears that at the time the testimony in the case was taken, November 19, 1900, the applicant was 21 years of age; that from the time of his readmission in 1887, up to and including the date of his application before you to be enrolled, he resided in Missouri. He is identified on the Cherokee census roll of 1896.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

Cher R 700

Cher R 700

Department of the Interior,  
Commission to the Five Civilized tribes,  
Chelsea, I. T. November, 19th 1900.

In the matter of the application of Oscar Bantley for the enrollment of himself as a Cherokee citizen. He having been sworn before Commissioner Breckinridge, testified as follows—

Q What is your name? A. Oscar Bantley Q How old are you? A. 27.  
Q What is your post office address? A. Lebanon, Missouri.  
Q Are you a Cherokee citizen by blood? A. Yes sir.  
Q What degree of Cherokee blood do you claim? A. 1-16.  
Q For whom do you make application? A. For myself.  
Q How long have you resided here in the Cherokee Nation? A. About one year.  
Q When was that? A. In 1899  
Q Had you ever lived here before that time? A. I had not.  
Q Where did you go when you left the Cherokee Nation? A. Went to school at the Osage Mission in Osage Kansas.  
Q Never came back here did you? A. Yes sir, been back here almost every year.  
Q Do you own property here? A. Yes sir.  
Q What does it consist of? A. Farm lands near Vinita.  
Q What is your fathers name? A. O. A. Bantley.  
Q Is he living? A. Yes sir.  
Q Is he a Cherokee or white man? A. White man.  
Q What is your mothers name? A. Alice G.  
Q Is she living? A. No sir.  
Q Is she a Cherokee or white woman? A. Cherokee.  
Q Were you ever admitted to Cherokee citizenship by an act of the Cherokee National Council or Commission on Citizenship? A. My mother was.

The applicant presents a certificate of admission to Cherokee citizenship, issued at Tahlequah on the 12th of October, 1887, signed by D. W. Lipe, acting Chairman of the Committee on citizenship and by Henry Eifert, Clerk of the Committee on citizenship, approved by D. W. Bushyhead, Principal Chief of the Cherokee Nation. This document bears the seal of the Cherokee Nation and admits sundry persons to citizenship, among others appears the name of Oscar Bantley, male, age at that time, 14 years.

Q Is the Oscar Bantley mentioned in his certificate yourself? A. Yes sir.

A. The document is returned to the applicant.

Q You didnt return to the Cherokee Nation until two years after you was admitted? A. I was here at the time I was admitted and then went away and remain one year.

Q How long did you remain away? A. One year.

Q Then you came back and how long did you remain here? A. One year.

Q Then you went away and have you ever come back here since other than this time to enroll? A. Yes sir I have been here off and on all the time, come here most every year to see about my property.

Q Have you exercised the right of suffrage in Missouri? A. No sir

Q Never voted there at all? A. Only in the town elections.

Q Never voted in the National and Congressional elections? A. No sir

By Cherokee Representative Starr.

Q Did you have a home here at the time you were admitted? A. No sir I was a minor at that time.

Q Do you own any property in the States? A. No sir, never owned any property there and dont now.

Q You are actually living in Lebanon Missouri now though? A. Yes sir

Q Have you any property in the Cherokee Nation now? A. Yes sir.

Q What is it? A. Farm land about 7 miles North west of Vinita,

Q How much land have you? A. There are four of us and we have 1000 acres under fence.

Q How long have you owned land in the Cherokee Nation? A. 7 or 8 years as long as I can recollect.

Oscar Bantley 3.

By the Commission:

Q Where were you born? A. Lebanon, Missouri.  
Q When did your mother die? A. September 1881.  
Q That was before you were admitted to citizenship? A. Yes sir.  
Q Who do you live with in Lebanon? A. My father.  
Q Is he living there now? A. Yes sir.  
Q You have lived in Lebanon ever since your admission? A. That is my home.  
Q When did you first acquire property in the Cherokee Nation? A. 6 or 7 years ago.  
Q Is there any other statement that you desire to make in behalf of this application Mr. Bantley? A. Nothing more than the enrollment of my mother if that will have any bearing on the case. My mother was enrolled.  
Q Did you draw strip money in 1894? A. Yes sir.  
Q Was it paid to you at the regular payment, or after the regular payment? A. Received it after the regular payment at Vinita.

By Mr. Starr.

Q When did you receive it? A. December of 1894.  
Q Where did you live on the 4th of June, 1895? A. I was in St. Louis.  
Q Where were you living on the 28th of June 1898? A. I was in St. Louis I believe. I was living in St. Louis for 3 or 4 years and moved back to Lebanon two years ago.  
Q Your actual residence was in St. Louis then? A. Yes sir.  
Q Were you actually residing in the Cherokee Nation on the 4th of June 1895? I considered myself as a citizen then?  
Q But you were in St. Louis were you not? A. Yes sir.  
Q Do you have a home in Lebanon with you father? A. Yes sir.  
Q Were you living in the Cherokee Nation on the 28th of June 1898?  
A No sir I was not.

By the Commission-

Q What was the exact date of your birth? A. May 10th 1873.  
1896 roll, page 115, No 485, Oscar Bantley, Cooweescoowee.

By Mr. Starr.

Q What is that farm, pasture or cultivated land? A. Part is pasture and part is in cultivation.  
Q How much is in cultivation? A. I don't know exactly.  
Q Is it not a fact that most of it is in pasture? A. Yes sir.  
Q Can't you tell how much is in cultivation? A. I cannot.  
Q Have you no idea? A. No sir.  
Q Have you ever been upon that farm? A. Yes sir.  
Q Is there as much as a 100 acres in cultivation? A. I expect there is.  
Q What other improvements are on it? A. It is fenced and there is a house on it.  
Q What kind of a house? A. A small frame house.

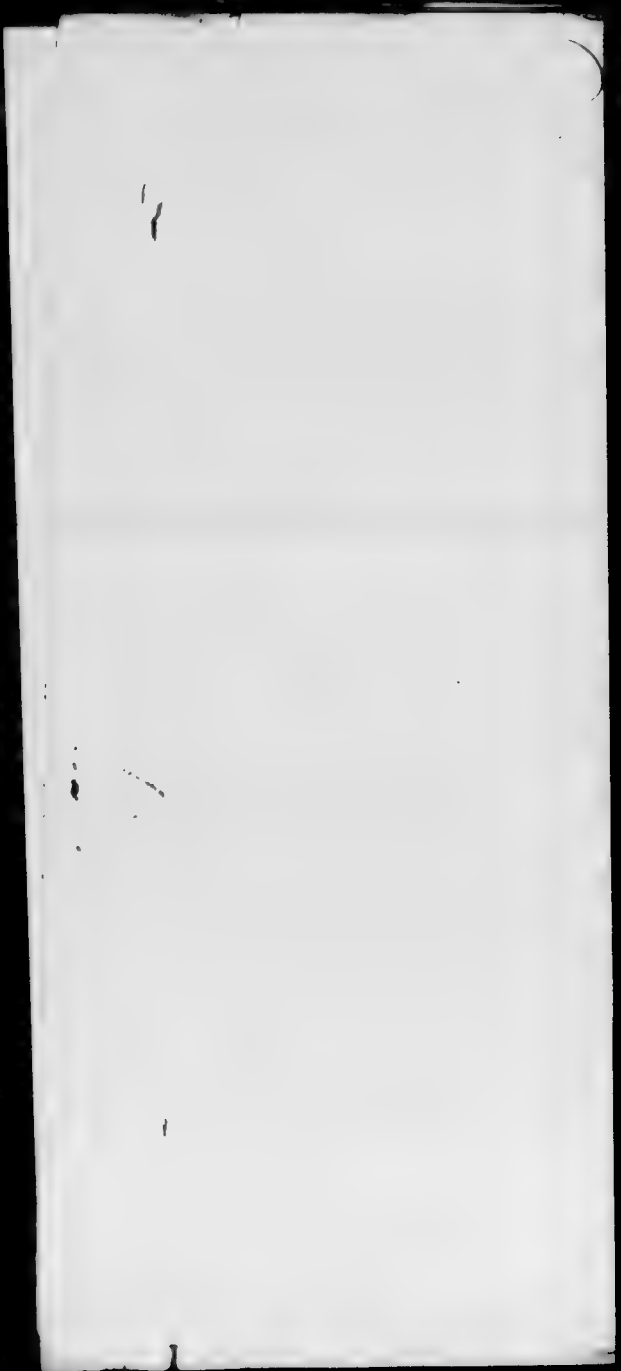
By the Commission- The applicant is identified on the census roll of 1896. He presents a certificate of admission, more particularly described in the testimony, certifying that he was admitted to Cherokee citizenship on the 12th of Oct. 1887. By reason of his testimony as to his residence, final judgment of the Commission as to his enrollment will be suspended and he will now be placed on a doubtful card, and he will be notified in writing as to the final decision of the Commission as to his application for enrollment. Attention is called to an act of the Cherokee National Council approved December, 4th 1894 which appears on page 124 of the 6th

Annual Report of the Commission for the Fiscal Year ending June 30, 1899, said act read as follows: "That all persons who have been or may hereafter be admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or from the date of re-admission of persons hereafter re-admitted, or not rights whatever shall accrue to such person by reason of such re-admission. Provided that nothing in this act shall bar minors etc." It appears that the applicant was not a minor on the 4th of December 1894. Attention is further called to Section 31 ~~of~~ of the act of Congress approved June 28th 1898, which appears on the 37th page of the 8th Annual report of the Commission to the Five Civilized Tribes for the Fiscal year ending June 30th 1899, which reads as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Ohas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th of November, 1900.

*Chas. von Weise*  
*C. H. H. H. H. H.*  
Commissioner.



## CHEROKEES BY BLOOD AND ADOPTION.

Name *Oscar G. Bantley* Date *NOV 19 1900* 1900.  
 District *COOWEESCOOWEE.* Year *1896* Page *115* No. *45*  
 Citizen by blood *yes* Mother's citizenship

Intermarried citizen

Married under what law

License

Wife's name

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

*1 on 1896 roll as Oscar Bantley*

R

C. D-829

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of  
Oscar G. Bantley for the enrollment of himself as a Cherokee citizen

Appearances:

Mr. Smith, of Mellette & Smith, Vinita, I.T., attorneys  
for the applicants;

W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 19 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 11th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by his attorneys, Mellette & Smith, and by agreement with the representative of the Cherokee Nation the case will be taken up for final consideration.

BY COMMISSION OF MR. SMITH: Any statement you desire to make in this case, Mr. Smith? A No sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicant request and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green



Duplicate

## CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP

{ Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation.

To all Whom it May Concern--Greeting:

This is to Certify, That the following named, to-wit: Oscar G. Bantley age 14, years, Rosa E. Bantley age 12, years, Berley E. Bantley age 10 years, Charles H. Bantley age 8, years, did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 1 day of October 1887; that the proof submitted by the above named Oscar G. Bantley in support of his said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council--and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the 12th day of October 1887

J T. Adair  
Chairman Com. on Citizenship.

Attest:

C. C. Lips  
Clerk Com. on Citizenship.

Seal

Approved and endorsed:  
J. B. Mayes  
Principal Chief C. N.  
Henry Eiffert  
Asst Ex Secty

Muskogee, I. T., May 29, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a duplicate Certificate of Admission to Cherokee Citizenship, which is now on file in the office of the Commission.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 19, 1900, Oscar Bantley appeared before the Commission at Chelsea, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 10, 1902.

The evidence shows that Oscar Bantley was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on October 12, 1887. At the time of his re-admission he was in the Cherokee Nation, but subsequently removed therefrom. He owns property in the Cherokee Nation, and it is further shown that he has exercised the right of suffrage in the town elections of Lebanon, Missouri. He is identified on the Cherokee Census Roll of 1896, but was not a resident of the Cherokee Nation on June 28, 1898.

Paragraph 9 of Section 21, the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;-----"

It is, therefore, the opinion of this Commission that the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation should be denied; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 15 1902

Cherokee ( D 629 ) R 700.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*Q. J. M. E.  
D. 66*

-----  
In the matter of the application for the enrollment  
of Oscar Bantley as a citizen by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, on November 19, 1900, Oscar Bantley appeared before the Commission to the Five Civilized Tribes, at Chelsea, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on March 10, 1902, at Muskogee, Indian Territory.

THE RECORDS OF THE OFFICE FURTHER SHOW: That, on August 15, 1902, the Commission rendered its decision herein, denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, that on September 15, 1902 (I.T.D. 5465-02), said decision was duly affirmed by the Department; and that, thereafter, on March 28, 1904 (Departmental letter I.T.D. 7162-03), upon request of the Commission, the Department rescinded its decision of September 15, 1902, and remanded this case for further testimony and readjudication in accordance with present rulings. On April 11, 1904, the applicant, his attorney, and the attorney for the Cherokee Nation were notified by the Commission that on or before May 11, 1904, they would be permitted to introduce any additional testimony they might desire in this case. No appearance having been made, either on behalf of the applicant or the Cherokee Nation, this case is now ordered closed.

~~THE EVIDENCE IN THIS CASE SHOWS:~~ That the applicant herein, Oscar Bentley, claims the right to enrollment as a citizen by blood of the Cherokee Nation.

The following are facts fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicant is a Cherokee by blood, was born at Lebanon, Missouri, on May 10, 1873, and is identified on the Cherokee Census roll of 1896.

(2) That on October 12, 1897, he, among others, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof.

(3) That, shortly after his admission to citizenship he removed to the Cherokee Nation, remained about one year, and then removed therefrom, and, excepting occasional visits, has since continuously lived outside the limits of the Indian Territory, during which time he has exercised the rights and privileges of a citizen of the State of Missouri; and that he claims Lebanon, Missouri as his home. (See testimony taken on November 19, 1900, at Chelsea, Indian Territory, page 2).

OSCAR BENTLEY, applicant, appeared before the Commission to the Five Civilized Tribes, on November 19, 1900, at Chelsea, Indian Territory, and testified, in part, as follows: I am 27 years old and live at Lebanon, Missouri. I first acquired property in the Cherokee Nation six or seven years ago. Four of us have one thousand acres of land and a fence about seven miles northwest of Vinita. Part of this is pasture land and part under cultivation. I have been on the land but have no idea how much is under cultivation. There is a small frame house on this land.

FINDINGS OF FACT AND CONCLUSION: It is considered that, following the ruling of the Department in the case of Alice L. Green, et al., (I.T.D. 7274-05), the evidence in this case shows that the applicant herein did not comply with the provisions of an act of the Cherokee National Council approved December 4, 1894, which, in part, provides:

"That all persons who have been or may hereafter be admitted to citizenship in the Cherokee Nation are hereby required to permanently reside within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of re-admission of persons hereafter admitted, or no rights whatever shall accrue to such persons by reason of such re-admission: . . . . ."

And it is further considered that, granting that the applicant herein did comply with said act of the Cherokee National Council approved December 4, 1894, the evidence shows that he subsequently expatriated himself from the Cherokee Nation, under the provisions

of Section II, Article I, Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . ."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, for the additional reasons set out herein, the decision rendered in this case on August 15, 1902, by the Commission to the Five Civilized Tribes, should be affirmed, and that the application for the enrollment of Oscar Bentley as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 ( 30 Stat., 495).

  
\_\_\_\_\_  
COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 8 1905

1009

DEPARTMENT OF COMMERCE  
COMMISSION TO THE UN-CIVILIZED TRIBES.

**FILED**  
FEB 15 1902

*[Handwritten signature]*

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, **February 19,** 1902.

**Mr. Oscar Bantley,**

**Lebanon, Missouri,**

**Sir:-**

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**the 11th day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Cherokee D-529  
Register.**

Yours truly,

~~XXXXXXXXXX~~

**Commissioner in Charge.**

Mayor of the City of Chicago No.

March 7<sup>th</sup> 1902

I hereby certify that I received within my delivery a  
copy of same to occur quarterly at his place of  
business in the City of Chicago  
March 1902

John Lewis,  
Mayor

Feb 1/02

And signed them to before me at the  
City of March 1902



C.D. 829

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-

in notice on

by delivering a true copy thereof on the

day of ..... A. D. 190.

Given under my hand this

day of ..... A. D. 190.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

day of ..... 190.

Attorney for applicant.

UNITED STATES OF AMERICA, } S. S.  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to

on the ..... day of ..... A. D. 190.

Subscribed and sworn to before me

this

Notary Public.

Mayor office City of Lebanon Mo  
March 7<sup>th</sup> 1902

I hereby certify that I served the within by delivering a  
copy of same to Oscar Parthey at his place of  
business in the City of Lebanon Mo on the 7<sup>th</sup> day  
of March 1902

John Brown  
Marshall

Fee #102

sub. sealed Return to before me the  
7<sup>th</sup> day of March 1902

MY COMMISSION EXPIRES MARCH 5, 1903.

W. D. Applegate  
Notary Public

# NOTICE

IN THE MATTER OF the application of Osborn D. Hall

for enrollment as Cherokee citizens;

Case No. D. 120

To Osborn D. Hall of Cherokee Co., Ind.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on July 11, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this July 10, 1901.

W. W. Hastings  
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE INDIAN TRIBES

FILED

1962

*[Handwritten signature]*

ACTING CHAIRMAN

*1000*

*2*

COPY.

Cherokee D 829.

Muskogee, Indian Territory, August 15, 1902.

W. W. Hastings, Esquire,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application of Oscar Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tams Bixby.*

Acting Chairman.

Enc. C. No. 27.

Cherokee D 829.

COPY.

Muskogee, Indian Territory, August 15, 1902.

Oscar Bantley,

Lebanon, Missouri.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tame Bixby.*

Acting Chairman.

Enc. C. No. 56.

Register.

Cherokee D. 829.

COPY

Muskogee, Indian Territory, August 15, 1902.

Edgar Smith,

Attorney for Oscar Bantley,

Vinita, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tame Birby*

Acting Chairman.

Enc. G. No. 57.

Register.

Cherokee D 229.

COPY.

Muskogee, Indian Territory, August 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Oscar Bentley for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated August 13, 1902, denying the application for the enrollment of said Oscar Bentley as a citizen of the Cherokee Nation.

Very respectfully,

*Tams Bixby.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 3.

Refer in reply to  
the following:  
Land  
49711-1902.

COPY.

Department of the Interior,

~~Office of Indian Affairs,~~

Washington, August 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Oscar Bantly for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant was re-admitted to citizenship October 12, 1887; that shortly thereafter he moved to the State of Missouri where he has ever since resided; and that he has exercised the rights of suffrage at the town elections in Lebanon, Mo. His name appears on the 1896 Cherokee roll, but he was not a resident of the Nation on June 28, 1898.

The Commission declined to enroll the applicant and the office respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.



D. C. No. 15419-1902.

55500

L. R. S.

448

EAF.

ITD. 5465-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 15, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 15, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Oscar Bantley as a Cherokee citizen.

The evidence shows that applicant was readmitted to Cherokee citizenship in 1887; that he subsequently removed from the Cherokee Nation; that he owns property in the nation, but was not a resident thereof on June 28, 1898; that he has exercised the right of suffrage in town elections of Lebanon, Mo. He is identified on the 1896 Cherokee census roll. You refused the application.

Forwarding the papers August 30, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

The Department affirms the decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

COPY.

Cherokee D 829.

Muskogee, Indian Territory, October 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of Oscar Bantley for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

*W. W. Hastings*  
Acting Chairman.

COPY.

Cherokee D 829.

Muskogee, Indian Territory, October 4, 1902.

Oscar Bantley,

Lebanon, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

Acting Chairman.

Cherokee R-700

Muskogee, Indian Territory, November 7, 1902.

Oscar Bantley,

Lebanon, Missouri.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate showing your readmission on October 12, 1887, to citizenship in the Cherokee Nation.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2158

(COPY)

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.C.

I.T.D. 5465-1902

7162-1903.

March 28, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 15, 1902, the Department affirmed your decision rejecting the application for the enrollment of Oscar Bantly as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your suggestion the Indian Office concurred, in letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon the request of the applicant or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of September 15, 1902, is therefore rescinded and the testimony and papers attached thereto are inclosed.

Respectfully,

(Signed) Thos. Ryan,

1 inclosure.

Acting Secretary.

(MH)

( C O P Y )

Cherokee R-700

Tahlequah, Indian Territory, April 11, 1904.

Edgar Smith, Attorney for Oscar Bantley,  
Vinita, Indian Territory.

Dear Sir:

On March 28, 1904, the action of the Secretary of the Interior of September 15, 1902, confirming the Commission's decision denying the application of Oscar Bantley for enrollment as a citizen of the Cherokee Nation, was rescinded and this case was remanded to the Commission for the taking of further testimony.

The applicant has this day been notified that any further testimony he may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904. Evidence is particularly required as to his residence.

Respectfully,

Commissioner in Charge  
Cherokee Land Office

MEM

Cherokee R-700

Tahlequah, Indian Territory, April 11, 1904.

Oscar Bantley,

Lebanon, Missouri.

Dear Sir:

You are hereby advised that on March 28, 1904, the approval by the secretary of the Interior of the Commission's decision, heretofore rendered denying your application for enrollment as a citizen of the Cherokee Nation, was rescinded and your application was remanded that further testimony might be taken.

You are now notified that any further testimony you may have to introduce in your case can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904. Evidence is particularly required as to your residence.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

M FM

( C O P Y )

Cherokee R 700

Tahlequah, Indian Territory, April 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation.

Tahlequah, Indian Territory.

Dear Sir:

On March 28, 1904, the Secretary of the Interior rescinded his action of September 15, 1902, confirming the Commission's decision rejecting the application of Oscar Bantley for enrollment as a citizen of the Cherokee Nation, Cherokee R-700 (7829). The case has been remanded for the taking of further testimony and the applicant has this day been notified that any additional testimony he may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 11, 1904.

You can, if you desire, also be present at that time and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office

MEF



Cherokee  
R-700.

Muskogee, Indian Territory, September 11, 1905.

Edgar Smith,

Attorney for Oscar Bantley,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED:

*W. O. Ball*  
Acting Commissioner.

Incl. CL-261.  
GHL

**Muskogee, Indian Territory, September 11, 1905.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting said application.

This case was remanded to the Commission to the Five Civilized Tribes with Departmental letter of March 28, 1904 ( I. T. D. 5465-1902, 7162-1903).

**Respectfully,**

**Incl. GL-239.  
GHL**

**Acting Commissioner.**

**Through the  
Commissioner of Indian Affairs.**

Cherokee  
N-700.

COPY.

~~Muskogee, Indian Territory, September 11, 1905.~~

Oscar Bantley,  
Lebanon, Missouri.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

*W. O. Ball*

Acting Commissioner.

Incl. GL-237.  
GHL

Cherokee  
B-700.

Muskogee, Indian Territory, September 11, 1905.

V. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Oscar Bentley as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. 61-236.  
GML

W. O. Beall  
Acting Commissioner.

Cherokee  
B-700.

conf.

Adagee, Indian Territory, September 18, 1906.

Edgar Smith,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of September 13, 1906, stating that you no longer represent Oscar Bartley in the matter of his application for enrollment as a citizen of the Cherokee Nation. Your letter has been noted and filed.

Respectfully,

Yours truly,

*Wm. B. Ball*  
Acting Commissioner.

WCL

Land.  
73990-1906.

--Copy--

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 9, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of Oscar Bantley.

September 8, 1905, the Commissioner decided adversely to the applicant.

The record shows that on August 15, 1902, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicant which was affirmed by the Department September 15, 1902 (ITD 5465-02) and that thereafter, on March 28, 1904 (ITD 7182-03) the Department rescinded its action and remanded the case for further testimony and readjudication. The evidence shows that the applicant is a Cherokee by blood, was born at Lebanon, Missouri, May 10, 1873 and is identified on the Cherokee census roll of 1896; that on October 12, 1887 he, among others, was admitted to citizenship by the Cherokee Nation; that shortly after his admission, he removed to the Cherokee Nation, remaining

about one year, and then removed therefrom, and has since continuously lived outside the Indian Territory, during which time he has exercised the rights and privileges of a citizen of the State of Missouri, and that he claims Lebanon in that State as his home.

In view of the record and of the decision of the Department in the case of Alice L. Owen, et al., (ITD 7274-05), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

D. C. 4262-1906.  
I.T.D. 584-1906.  
LRS

Y.P.

SECRETARY'S OFFICE  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.

January 29, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

September 11, 1905, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Oscar Bantley as a citizen by blood of the Cherokee Nation.

Reporting January 11, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated September 8, 1905, is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) Thos. Ryan,  
First Assistant Secretary.



REFER IN REPLY TO THE FOLLOWING:  
Cherokee R-700.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 5, 1906.

Oscar Bantley,

Lebanon, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 29, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-7 .

Acting Commissioner.

Cherokee R-700.

COPY.

Muskogee, Indian Territory, February 5, 1906.

V. V. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application of Oscar Bentley for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 29, 1906.

For your information there is inclosed herewith a copy  
of Departmental decision referred to.

Respectfully,

(SIGNED):

*Wm. C. Ball*  
Acting Commissioner.

Incl. S-8

Cher R 701

Cher R 701

APPLICANT DOUBTFUL.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TAHLEQUAH, I.T., NOVEMBER 27th, 1900.

IN THE MATTER OF THE APPLICATION OF Margaret Parris for the enrollment of herself and child as citizens of the Cherokee Nation, and said Parris being sworn and examined by Commissioner, Needles, testified as follows:

- Q What is your name? A Margaret Parris.  
Q How old are you? A Twenty five.  
Q Have you any middle name? A No sir.  
Q What is your Postoffice address? A Siloam Springs.  
Q What district do you live in? A Going Snake.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood or intermarriage? A Marriage.  
Q What is your husband's name? A George Parris.  
Q Is he living? A Yes sir.  
Q Why is he not here himself? A We are not living together.  
Q Who do you want to enroll? A I have got a baby here.  
Q Yourself and baby? A Yes sir.  
Q Have you any marriage certificate? A Yes sir.

Com'r: Applicant presents a certificate of marriage, certifying that she was married to one, George Parris, under her maiden name of Margaret Odle, on the fourteenth day of February, 1895, according to the laws of the United States.

- Q What is the name of your child? A Wilbern.  
Q How old is he? A Four years old the fifth of last January.  
Q How long have you been living in the Cherokee Nation?  
A About fifteen years.  
Q You say you are not living with your husband? A No sir.  
Q How long since you have been living with him? A About four years.  
Q Have you ever been divorced from him? A No sir.  
Q Have you ever married since? A No sir.  
Q You say you were never divorced from him? A No sir.  
Q Your husband's name is George Parris: What was the cause of your separation? A He did not try to provide for me.  
Q Did you leave him? A He told me if I went down to my father's, I need not come back any more, and he went off, and I went home.

Interrogatories by W. W. Hastings, Cherokee Representative:

- Q You lived right near him, didn't you? A Yes sir.  
Q About how far? A About six or seven miles.  
Q But when you separated, how far did you live from him?  
A About two hundred hundred yards.  
Q And you went off down there? A Yes sir.  
Q And you refused to come back and live with him? A Yes sir.  
Q And he went down there and took a witness with him, and tried to persuade you to come back? A No sir.  
Q Don't you know that he brought suit in this court here for divorce? A Yes sir, but they said he did not get it.  
Q And you did not appear? A No sir.  
Q Do you know what he alleged in that suit? A No sir.  
Q How long did you live within two hundred yards of him, of George, after you separated from him? A We lived there about; we lived there from in May until in the Fall, about four or five months.  
Q Did you see him in the mean time? A Yes sir.  
Q Did you go down to his house? A No sir.  
Q Did he come to see you? A He come to see the child.  
Q Who has had the custody of the child since the separation?  
A Father.  
Q All the time? A Yes sir.  
Q Do you know whether the Court gave it to you or to him?

A Gave it to me.

Q How do you know it? A He signed his right away down here before the lawyers. He gave the child to me. I did not appear before him in Court.

(1880 Roll, Page 450, #1253, George Parris, G. Snake District)  
(1896 Roll, Page 826, #146, Margaret Parris, G. Snake Dist)  
(1896 Roll, Page 776, #1581, Wilbern Parris, G. Snake Dist)

Q This child is alive and living with you at this time, is it?  
A Yes sir.

Commissioner Needles:- The name of Margaret Parris is found upon the census roll of 1896, and she presents satisfactory proof of marriage, which is filed herewith, certifying that she was married to one, George Parris, a Cherokee citizen by blood, in the month of February, 1895; her maiden name being Margaret Odgle, and the name of said George Parris is found upon the authenticated roll of 1880.

She avers that she has one child of said marriage, Wilbern, four years of age, whose name ~~does not~~ appears upon the census roll of 1896. The testimony shows that there has been a separation between said George Parris and said applicant, and they are not living together now.

In view of the same, final judgment as to the enrollment of said Margaret Parris, as a Cherokee citizen by intermarriage, will be suspended and her name will be placed upon a doubtful card.

Said child, Wilbern Parris, being duly identified, and ~~having made~~ satisfactory proof as to his residence being made, he will be duly listed for enrollment as a Cherokee citizen by blood.

J. O. Rosson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November, 1900.

*J. O. Rosson*  
*M. D. [Signature]*  
COMMISSIONER.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
NOV 27 1900

 ACTING CHAIRMAN

## CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

GOING NAKE

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

1 on 1896 roll as

Margaret Parries

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., November 27th, 1900.

In the matter of the application of Margaret Parris filed this day, D-Card 223, the representatives of the Cherokee Nation came and present a decree of divorce and the testimony and report of the Master in Chancery as to the case of George Parris vs Margaret Parris in the District Court at Tahlequah, September term 1900, No. 223. The complaint in the said case was filed November 27th, 1900, and the report of the Master in Chancery is to the effect that the defendant, Margaret Parris, did abandon the plaintiff, George Parris, and recognized a decree of divorce he granted to the plaintiff, George Parris, upon that ground, and the decree of a divorce December 22, 1900, signed by Joseph A. Gill, Judge Northern District, Indian Territory, granted the plaintiff George Parris a divorce from Margaret Parris, defendant, on the ground of abandonment. The Commission is of the opinion that the application of the said Margaret Parris for her own enrollment should be refused.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings and testimony in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

*E. G. Rothenberger*

Subscribed and sworn to before me this 27th day of November, 1900.

*W. D. Greer*

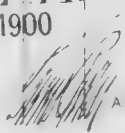
Commissioner.



90112

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
DIVISION OF THE FIVE CIVILIZED TRIBES.

FILED  
NOV 27 1900



ACTING CHAIRMAN.

State of Ark } SS  
County of Benton }

To all whom it may concern  
this is to certify that on or about  
14<sup>th</sup> day of Feb'y 1915 at my  
residence in Springdale Dist  
Clerk's Station I did perform  
the ceremony of marriage between  
George Harris and Margaret  
Edle. At that time  
performing said Marriage  
Ceremony I was a duly ordained  
minister of the Baptist Church  
my credentials being on record at  
the Court House in New Cogen  
Ark.

G W Gordon

Subscribed and sworn to  
before me this 5<sup>th</sup> day of  
August 1998

Ed Mham  
Notary Public

Commission

Expires May 18. 1900

In the United States Court for the Northern District of the Indian Territory, sitting at Tahlequah, October Term 1900.

George Parris, Plaintiff,

vs

No. 336.

Margaret Parris, Defendant, : Decree of Divorce.

Now on this day comes Lumen F. Parker, Master in Chancery, and files his report herein and it appearing from said report that the complaint filed herein is regular and that service was had upon the defendant in due time, and that the allegations in plaintiff's complaint are sustained by the evidence and that the defendant, Margaret Parris, is guilty of abandonment and that the cause of divorce be a legal one and accrued within five years next before the filing of this complaint, and that all the pleadings herein are regular. Therefore it is ordered and decreed by the court that the bonds of matrimony heretofore existing between plaintiff and defendant be dissolved, set aside, and held for naught, and that the plaintiff, George Parris, have an absolute divorce from the defendant, Margaret Parris.

Given under my hand this the 26th day of October, 1900.

Joseph A. Gill, Judge,  
Northern District.

United States of America, Northern District, :  
Indian Territory. : ss.

I, Chas. A. Davidson, Clerk of the United States Court, in and for the Northern District of the Indian Territory, do hereby certify that the above and foregoing, is a true and correct copy of a decree of divorce in Equity case No. 336, as the same appears upon the records of this court, found recorded in Common Records, page 174 at my office in Tahlequah. In testimony whereof I have hereto officially signed my name and affixed the seal of said court, this 7th day of June, A.D. 1902.

Chas. A. Davidson, Clerk.

by *Herbert C. Smith*

Deputy Clerk.

Supl.-C.D.#663.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARGARET PARRIS  
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

---ooo000ooo---

I, J. O. Rosson, ~~being~~ do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Parris, for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 27, 1900, Margaret Parris appeared before the Commission at Tahlequah, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her child, Wilburn Parris, as a citizen by blood of the Cherokee Nation. Wilburn Parris has been differently classified and is not embraced in this decision.

The evidence shows that the said Margaret Parris was married on February 14, 1895, to George Parris, a citizen by blood of the Cherokee Nation. The said Margaret Parris is identified on the Cherokee Census roll of 1896. It appears that she lived with her said husband about a year following their marriage; that they then separated, and that on October 26, 1900, the said George Parris obtained a divorce from the applicant on the ground of abandonment.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation.

It is, therefore, the opinion of this Commission that Margaret Parris abandoned her husband within the meaning of the Cherokee law above quoted, and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, I. T.

this

JUL-29 1902

COMMISSIONER OF THE GENERAL LAND OFFICE  
FILED  
JAN 2 1902

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
J. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mrs. Margaret Parrie,

Siloam Springs, Arkansas,

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-863  
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

COPY  
Cherokee D 863.

Muskogee, Indian Territory, July 29, 1902.

Margaret Parria,

Siloam Springs, Arkansas.

Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission to the Five Civilized Tribes, rejecting said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 124.



COPY.  
Cherokee D 863

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Margaret Parris for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*T. B. Needles*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 inclosure-

C. No. 133.

Cherokee D 863.

COPY

Muskogee, Indian Territory, July 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Margaret Parris for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. F. Medics.*  
Commissioner in Charge.

Enc. C. No. 125.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Margaret Parris for enrollment as a citizen by intermarriage of the Cherokee Nation.

The applicant was married February 14, 1895 to George Parris, a citizen by blood of the Cherokee Nation, whose name appears on the Cherokee census roll of 1896. She lived with her husband about a year following their marriage when they separated, and October 2, 1900, he obtained a divorce from her in the United States District Court for the Northern District of Indian Territory on the charge of abandonment. She testified that she had never been divorced from him; that the cause of the separation was that he did not try to provide for her, and that he told her that if she went to her father's she need not come back. He went off and she came home. They lived about six or seven miles apart and she refused to come back and live with him. The applicant testified that her husband brought suit in the court for divorce, and that she was told he did not procure a decree; also that she did not appear to contest

the case, but that the court gave her the custody of the child.

~~This record is unsatisfactory. Copy of the record of~~  
divorce proceedings has been held to be not admissible in proof of  
charge of abandonment. Applicant testifies she did not abandon her  
husband, but she is not very clear in her statements as to the  
divorce. As the case stands, however, there is absolutely no  
evidence that she did abandon her husband.

The office believes that the Commission is in error in  
holding that applicant's abandonment of her husband is proven, and  
consequently it follows, if the office is right, that she did not  
forfeit her rights in the Cherokee Nation, and should be placed on  
the rolls of the Cherokee Nation. It is respectfully recommended,  
therefore, that the Commission be directed to take such action.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 15098-1902.

J. P.

L. R. S.

54444

RAF.

ITD. 4999-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 10, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you <sup>submitted</sup> ~~transmitted~~ the papers in the case involving the application of Margaret Parris for enrollment as an intermarried citizen of the Cherokee Nation, D 863.

On that day you rendered your decision in the case, finding that the claimant was married to George Parris, a citizen of said nation, February 14, 1895; that she is identified on the 1896 census roll; that she lived with her husband for about a year after their marriage; that they then separated; that on October 26, 1900, George Parris obtained a decree of divorce on the ground of abandonment, basing this last conclusion mainly, it would appear, upon the copy of the record in the divorce proceedings. Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), and to section 667 of the 1892 compiled laws of the Cherokee Nation, which provides that -

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation,"

you rejected the application.

The Acting Commissioner of Indian Affairs submitting the case August 15, 1902, stated that the record was unsatisfactory; that as applicant testified that she did not abandon her husband,

though not very clear in her statement, and as it has been held that the record of divorce proceedings is not admissible in proof of charges of abandonment, the claimant should be placed upon the roll being prepared by you.

The testimony taken by you in this case is not as complete as it should have been. It appears, however, that while the applicant states that her husband did not provide for her, and that at the time they separated he told her if she went to her father's she "Need not come back any more, and he went off and I went home," she also testified that after she went away she refused to return though she stayed within 200 yards of her husband's home four or five months; that although the court that granted the divorce gave her the custody of their child, as she states her husband "signed his rights away down here before the lawyers," she claimed that she did not know what was alleged in the suit.

Taking the testimony of the applicant and coupling it with the fact that her husband procured a divorce from her, the Department is justified in finding that your decision is correct. It is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.

COPY

Cherokee D 863.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Margaret Parris for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

*James H. Hasty*  
Acting Chairman.

COPY

Cherokee D 863.

Muskogee, Indian Territory, October 7, 1902.

Margaret Parris,

Siloam Springs, Arkansas.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

*Jamo Dixby.*  
Acting Chairman.



COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-701

Muskogee, Indian Territory, November 8, 1902.

Margaret Parris,  
Siloam Springs, Arkansas.

Dear Madam:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certified copy of decree of divorce granted in the case of George Parris vs. Margaret Parris; also affidavit as to your marriage on February 14, 1895, to George Parris.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

*C. R. Breckinridge*  
Commissioner in Charge.

~~Acting Chairman~~

Enc. M-178

126  
2-22-1902



Cher R 702

Cher R 702

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TAHLEQUAH, I.T., NOVEMBER 28th, 1900.

IN THE MATTER OF THE APPLICATION OF Noah Langley for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and the said Langley being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A. Noah Langley.  
Q How old are you? A. Thirty nine  
Q What is your Postoffice address? A. I consider Claremore my address. I have been out of the Territory for several years working around.  
Q What district do you live in? A. Coowascoowee.  
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.  
Q By blood or intermarriage? A. By blood.  
Q Whom do you want to enroll? A. I want to enroll myself, and I have two children that are living out of the Territory.  
Q Do you want to apply for their enrollment? A. Yes sir.  
Q What are their names? A. Lula is the oldest.  
Q How old is she? A. Five years old.  
Q What is the name of the next child? A. Leona.  
Q How old is she? A. She is four years old.  
Q Are you married? A. Yes sir.  
Q What is the name of your wife? A. Lizzie Hall.  
Q Is she a citizen by blood? A. No sir.  
Q When did you marry her? A. In 1894.  
Q Are you living with her now? A. Yes sir.  
Q Do you apply for her enrollment? A. No sir.  
Q Why do you not apply for her? A. I can apply for her.  
Q Is she the mother of these children? A. Yes sir.  
Q You were married to her in 1894? A. Yes sir.  
Q Have you any marriage certificate with you? A. No sir.  
Q No proof of marriage? A. No sir.  
Q She is a white person? A. Yes sir.

(1880 Roll, Page 31, # 828, Noah Langley, Canadian District)  
(1896 Roll, Page 44, # 1206, Noah Langley, Canadian District)

Q Is your present wife the mother of these two children?  
A Yes sir.  
Q You were married to her in 1894? A. Yes sir.

(1896 Roll, Page 44, #1207, Lula Langley, Canadian District)

Q How long have you lived in the Cherokee Nation? A. I was born and raised here, until about thirteen years ago I left the Nation.  
Q Where did you go? A. I moved to Texas, and then to New Mexico. Have been in New Mexico and Arizona and different places.  
Q Are you living here now? A. I intend to.  
Q Where do you live now? A. In Arizona.  
Q Did you marry in Arizona? A. No sir, I married in New Mexico.  
Q Where were these children born? A. In Arizona. I moved to Arizona after I was married in New Mexico.

By Mr. V. W. Hastings, Cherokee Representative:

Q Mr. Langley I think you had better allow the records to show what was the cause of your being out of this Country?  
A I got into trouble here is how come us to leave here.  
Q Did you ever have any permanent home any where else?  
A No sir., never owned and land or real estate.  
Q How long have you been living in Arizona? A. About six years.  
Q Did you own a home there? A. No sir.

By Commissioner, T. B. Needles: Q Have you ever voted in any other State? A. No sir.

Q Have you ever considered any other country besides the Cherokee Nation your actual residence? A. No sir.

Q What degree of Cherokee blood have you? A. One fourth.

Q Where are your wife and family now? A. In Arizona.

The name of Noah Langley is found upon the authenticated roll of 1880; as well as the census roll of 1896. He avers that he was married to one, Lizzie Hall, a non citizen, in the Territory of New Mexico, in the year 1894, by whom he has two children, Lula, whose name appears upon the census roll of 1896, and Leona, four years of age. He presents satisfactory proof of birth as to the younger child, whose name does not appear upon the census roll of 1896, having been born since said roll was compiled.

He presents no certificate of marriage. Because of the conflicting testimony as to his residence, final judgement as to the enrollment of Noah Langley, will be suspended, as well as that of his wife Lizzie Langley, and his two children, Lula and Leona Langley, and their names will be placed on a Doubtful Card.

It will be necessary in order to complete the record in his case that he file with the Commission satisfactory proof of his marriage to the said Lizzie Hall, his averred wife.

---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 28th day of November, 1900

(Signed) T. B. Needles.

COMMISSIONER.

FILED  
NOV 28 1900

## CHEROKEES BY BLOOD AND ADOPTION.

39 *Moak Langley* Date *NOV 28 1900* 1900.  
 Name *Moak Langley*  
 District *CANADIAN* Year *1880* Page *31* No. *578*  
 Citizen by blood *1/4* Mother's citizenship  
 Intermarried citizen *1/4*

Married under what law Date of marriage

License *Lizzie Langley* tificate

2 Wife's name *Lizzie Langley* ✓

District Year Page No.

Citizen by blood *1/4* Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License *Robert Hill* Certificate

Names of Children:

3 <i>Lula Langley</i>	Dist. <i>CANADIAN</i>	Year <i>1880</i>	Page <i>111</i>	No. <i>1209</i>	Age <i>5</i>
4 <i>Leona</i>	Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>4</i>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

2 not on any roll

4 Birth affidavit - Suppling

Certificate of marriage to be supplied

R

C. D-865

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 10, 1902.

~~SUPPLEMENTAL PROCEEDINGS~~ in the matter of the application of  
~~Noah Langley for the enrollment of himself, wife and children as~~  
Cherokee citizens.

Appearances:

A.M. Callaway, Claremore, I.T., attorney for applicants;  
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified by registered letter February 19, 1902, that the application of Noah Langley for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by his attorney, A.M. Callaway, Claremore, I.T., and by agreement with the representative of the Cherokee Nation present the case is taken up for final consideration.

BY MR. CALLAWAY: I desire to submit the case to the Commission on the records now on file.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

-----

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Noah Langley for the enrollment of himself and his two minor children Lula and Leona Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on November 28, 1900, Noah Langley appeared before the Commission at Tahlequah, Indian Territory and made personal application for the enrollment of himself and his minor children Lula and Leona Langley as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that said Noah Langley is identified on the authenticated tribal roll of 1880, and the Cherokee Census roll of 1896. The evidence further shows that he left the Cherokee Nation in 1887 and has not returned thereto. He married his said wife Lizzie H. in New Mexico and she and the above named children are now residing with the principal applicant in Arizona. Lizzie H., Lula, and Leona Langley have never resided in the Cherokee Nation or in the Indian Territory. Lula Langley is identified on the Cherokee Census roll of 1896, and Leona Langley is identified by a birth affidavit on file with this Commission.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 496), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Noah Langley, Lula Langley and Leona Langley as citizen by blood of the Cherokee Nation, and for the enrollment of Lizzie H. Langley as a citizen by intermarriage, of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
Commissioner.  
Commissioner.

Dated at Muskogee, I. T.

this JUL 29 1902

In the matter of the application of NOAH LANGLEY, for the enrollment of himself and his two minor children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation.

Cherokee Doubtfull. 865.

It appears from the record of the testimony in this case, that the applicant Noah Langley's name appears upon the authenticated roll of 1880, Page 31. + 828 . Canadian District.

Also his name appears upon the Roll of 1896 Page 44. + 1206, . This beyond all doubt establishes his citizenship, as being a citizen of the Cherokee Nation by blood.

.....

The testimony further shows that he has never become a citizen of any other country, has not even exercised the rights of suffrage in any other country. The testimony further shows, that he is away from the Cherokee Nation by reason of some trouble that he got into: the fact of him getting into trouble, and leaving the Nation for a while, or untill it would be safe for him to come back, would not in any manner effect his rights to his Cherokee Citizenship.

He being a citizen by blood, there is but one way for him to forfeit his rights, and that is by the Constitution of the Cherokee Nation.

" ARTICLE 1. Sec 2. "" \*\*\*\*\*And that whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease \*\*\*\*\*

The testimony in this case shows that Mr. Langley is upon the authenticated Roll of 1880 and is also upon the roll of 1896.

His testimony further shows that he has never become a citizen of any other government, has never even exercised the rights of voting: to all of this there is no contradicting testimony.

26236

RECEIVED  
JUL 1 1902

JUL 1 1902

10008

10008

In the matter of citizens of the Cherokee Nation, where they are in prison throughout the different states, the law provides for their enrollment.

Mr. Langley has never given up his Cherokee citizenship, and claims the Cherokee Nation as his home, and for the reason that he got into trouble, and is temporarily absent from the Cherokee Nation, is no reason why he should be declared a non-citizen of this country.

Therefore I ask that the decision of the "Commission to the Five Civilized Tribes, dated July 29th" 1902 be not concurred in, and that the application be remanded back for additional testimony, or that the case be opened for a new hearing: or with instruction for Noah Langley and his family to be placed upon the Roll as citizens of the Cherokee Nation.

Respectfully,

Noah Langley

By his attorney

Jos. M. Laffay

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 26, 1904.

~~SUPPLEMENTAL PROCEEDINGS~~ had in the matter of the application for the enrollment of NOAH LANGLEY, ET AL., as citizens by blood of the Cherokee Nation.

It appears that on June 25, 1904, the principal applicant, his attorney and the attorney for the Cherokee nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 15, 1904, and then and there introduce further testimony touching the points mentioned in said letter. This case was continued from July 15, to July 28, 1904, and is by agreement taken up on this day.

APPEARANCES:

Applicants by attorney, J. M. LaHay.  
Cherokee nation by its attorney, J. C. Starr.

CHARLEY LANGLEY, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Charley Langley.  
Q How old are you? A 27.  
Q What is your postoffice address? A Claremore.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q Do you know Noah Langley? A Yes, sir.  
Q Is he living now? A No, sir.  
Q When did he die? A In August.  
Q Last August? A Yes, sir, August, 1903.  
Q What relation was he to you, if any? A Brother.  
Q Has he any family? A Yes, sir.  
Q How many children? A Five.  
Q What are their names? A His first wife has got three; Alex, John and Maggie; by his second wife, Lula and Leona.  
Q The children by his first wife are all of age and have applied for themselves? A No, sir, none of them of age; they are all on, though.  
Q How old is Lula Langley? A Eight, I believe.  
Q How old is Leona? A I suppose about six.  
Q What is the name of their mother? A Lizzie.  
Q A white woman, is she? A Yes, sir.  
Q Where was your brother living at the time of his death? A He had started back here to live and died on the train this side of McAlester, from the best we could learn, he started back to the Cherokee Nation to live.  
Q Was he coming back with his family? A His family wasn't with him, but they were coming.  
Q Where was your brother born? A Right there this side of Fort Smith, on the river.  
Q In the Cherokee Nation? A Yes, sir.  
Q When did he first move out of the Cherokee Nation? A I couldn't say; been about 14 or 15 years, I suppose.  
Q Where did he go to? A From here to the Chickasaw Nation and from there to Texas and New Mexico and Arizona.

Q Then has he ever lived in the Cherokee Nation since that time?

A Yes, sir, he came back about seven years ago, I think, and lived here one winter, and then went away from here to Colorado and from Colorado back to Arizona.

Q And is that the last time he ever lived in the Cherokee Nation?

A Yes, sir.

Q During those 15 years that he had been out did he own any property or improvements of any kind in the Cherokee Nation? A Yes, sir, he owned a place in Canadian district.

Q When did he first acquire that place? A He located the place, himself, and made it.

Q When was that? A I couldn't say.

Q About how many years ago? A I judge it has been about 16 years ago.

Q How long did he continue to own that place? A He never did sell it at all.

Q It still belongs to his heirs? A I don't know who it belongs to now.

Q Have they got possession of the improvements? A No, sir.

Q How long since he or his heirs have had possession of that place?

A I couldn't say positively.

Q About how long? A I suppose about 16 or 17 years.

Q Has it been 16 or 17 years since he had possession of and owned any improvements on the public domain of the Cherokee Nation?

A Yes, sir, I guess it has.

Q Has he had any property of any kind in the Cherokee Nation during these 16 years? A No, sir, nothing only a barber outfit.

Q Where was that located? A He never did put it in shape; he just had that shipped in and stayed during the winter and never did do any good and went from here to Colorado; I don't think he ever unpacked it.

Q These children and his wife have lived with him at different places where he has lived during the passed several years? A Yes, sir, moved here with him, went to Colorado with him and went back to Arizona.

Q Did your brother draw the strip money in 1894? A Yes, sir, mother did for him.

Q Did he draw for these children, also? A I would not be positive, but I think he drew for the oldest one, Lula.

Q Do you know what district they were registered in at that time?

A Cooweescoowee.

By Mr. LaHay:

Q What district have you people lived in for the passed 10 or 12 years? A Cooweescoowee.

Q Were you acquainted with Noah Langley when he left the Cherokee Nation? A Yes, sir.

Q Why did he leave? A He got in a killing scrape down here in Canadian.

Q He left the Cherokee Nation at that time? A After he got out of the Tahlequah jail.

Q Have you seen him, or have you been acquainted with his residence after he left the Cherokee Nation after he got out of trouble up to the time of his death? A Yes, sir.

Q Where did he live of your own personal knowledge? A He lived in Willcox, Arizona, Pearce, Arizona, Lamar, Colorado, and Glasgow, Arizona.

Q Were you ever with him at any of these places? A Yes, sir, all of them.

Q Do you know whether or not Noah Langley took up his permanent abode in that country, or claimed the Cherokee Nation as his home?

A He always claimed the Cherokee Nation as his home.

- Q I believe you stated he was your brother? A Yes, sir.
- Q Did he ever make any statement to you in regard to coming back to the Cherokee Nation and making his home? A Yes, sir, he said when he got out of trouble he was coming back, said he didn't like that country, and never did. I got a letter from him about ten days before he came back and said that I could rent a shop for him in Claremore, if I could, said he was coming back here to live.
- ~~Q I believe you stated that your brother died on the train some-  
wheres about South McAlester?~~ A Yes, sir.
- Q Do you know whether or not he shipped his household goods and made arrangements for the removal of his family at that time? A Yes, sir, his household goods came.
- Q Do you know whether or not, during your acquaintance with him in New Mexico and Arizona, he had acquired a permanent home out there, owned any property or exercised any rights of citizenship under the government of New Mexico or Arizona, Colorado or Texas, wherever you knew him outside of the Indian Territory, or outside of the Cherokee Nation? A Never did; he always rented his house and shop both out there; never owned any property at all that I know of, never did own a horse nor nothing.
- Q How long did you stay out in that country? A I have been out there off and on for the last eight years, and I came here to enroll; I went back with him; I started to the Cherokee Nation-----
- Q Did you and Noah Langley come to the Cherokee Nation for the purpose of enrolling together? A No, sir, he came to enroll the day I started back, but I hadn't been out there for about six months--nine months before me come.
- Q Do you know why Noah Langley didn't remain in the Cherokee Nation and exercise his rights of citizenship? A He was in trouble.
- Q You may state the trouble? A He got in trouble down here at Gandaian, and he killed Tom Monroe and Allen Monroe, his son.
- Q After the killing did he leave the Cherokee Nation? A Yes, sir.
- Q After the trouble that you speak of your brother getting into did he own any property in the Cherokee Nation? A Yes, sir.

By Mr. Starr:

- Q What became of the property he owned in the Cherokee Nation at the time of this killing? A My father disposed of it.
- Q Did he dispose of it right away after your brother left? A No, sir, my brother never did know anything about it at all; it was a good while after that.
- Q What did Noah Langley do while he was in Arizona, New Mexico and Colorado? A Barbered.
- Q Run a barber shop in those places? A Yes, sir.
- Q It is possible that he could have exercised rights of citizenship in these countries and you not have known anything about it? A I suppose he could, but I never did hear anything about it.
- Q When was it you received this letter that you spoke about of about him requesting you to rent a shop for him? A The last of July or the first of August.
- Q Last year? A Yes, sir.

By the Commission:

- Q Do you know whether your brother is on the 1890 roll of the Cherokee Nation? A I suppose he is; I never heard of his being off the roll.
- Q Do you know whether he drew money that year? A Yes, sir, he did.
- Q Was he married then? A Yes, sir.
- Q What district did he live in? A I suppose he lived in Arizona; I would not be sure where he did live.
- Q But you think he drew that money in 1890? A Yes, sir.



Q Did he have any family at that time that would have drawn with him? A He has got three children here at Claremore, one lives with me; I think he is 19, Alex.

Q What are the names of the others? A John and Maggie.

Q Their mother is name----A Moore before they married.

Q What is her given name? A Fanny.

Q Where are these two children, Lula and Leola now? A Alma, New Mexico.

Q Where is their mother? A She is with them.

Q Are they living out there? A Yes, sir, with a sister-in-law.

Q Have they any home or place of their own out there? A No, sir, they were here for quite a while after brother died and she didn't think the children or she would get on the roll and said she could not make no living here for them and would go back.

Q Do they at this time own any property of any kind in the Cherokee Nation? A No, sir.

By Mr. Laffay:

Q The wife of Noah Langley, Lizzie, came out to the Cherokee Nation did she not, immediately after Noah Langley came and Noah Langley died on his way here, and his wife, Lizzie, started immediately to this Cherokee Nation after his death? A Yes, sir.

Q Did she bring with her the two children, Leona and Lula? A Yes, sir.

By Mr. Starr:

Q How long did the children, Lula and Leona and their mother remain in the Cherokee Nation when they came the last time? A I believe it was September sometime, I think, my mother died about a month after, and she left in a short time.

Q How long did she remain here? A About a month or six weeks.

Q What became of them then? A Went to Alma, New Mexico.

Q And are living there now? A Yes, sir.

L. B. Bell, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A L. B. Bell.

Q How old are you? A 65 years old.

Q What is your postoffice address? A Vinita, Indian Territory.

By Mr. Laffay:

Q Were you acquainted with Locke Langley, who was a citizen of the Cherokee Nation and resided in Canadian district before the war?

A Yes, sir, I knew him before the war; I think he lived in Sequoyah district at that time.

Q Were you acquainted with his son, Noah Langley? A No, not very much; I have seen the boys there about his house, but I never got anything like acquainted with them.

Q You know that Locke Langley had a son named Noah Langley? There was a Noah Langley, said to be his son.

Q Do you know whether or not Noah Langley, son of Locke Langley, got into any trouble in a criminal way in Canadian district along about 15 or 18 years ago? A Yes,---I could say that to that, but I will tell you my connection with it---

Q If you have any information in regard to his getting into trouble please state it in detail as you remember it? A I don't know, it has been about 15 or 18 years ago, I guess, he was charged with having killed Tom Monroe and, I believe, his son. And I was applied to, on the part of a brother-in-law of his, to prosecute him for the murder. I accepted the service, attended court at Canadian district then, and when the case was called up he wasn't ready and the case



was put off, as I recollect, and whether it was called again and it was put off, or whether in the meantime he broke custody and left the country I can't recollect which, but it was one of the two. He left the country and I don't know how long he was gone.

Q He was indicted by the Cherokee courts? A Yes, sir, as I understood it, we were going to trial in the Cherokee courts.

Q And you were employed to prosecute him? A Yes, sir, for killing Tom Monroe, who was a citizen of the Cherokee Nation.

Q This was in the Cherokee courts? A Yes, sir, Canadian district. The circuit court of Canadian district was a court that tried recognized citizens of the Cherokee nation only for misdemeanors and felonies. Our laws didn't try anybody but citizens.

Mr. LaHay: The applicant desires to submit for the consideration of the Commission the following provision of the Constitution of the Cherokee Nation:

"That when any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, provided, nevertheless, that the National Council shall have the power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation on memorializing the National Council for such readmission...."

Also the following provision:

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including Freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living, whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon....."

Commission: The applicants' attorney and the attorney for the Cherokee Nation state ~~that they~~ that they have no further testimony to introduce in this case, and the same is now declared closed.

0-0-0-0-0-0-0-0

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*H. M. Vance*

Subscribed and sworn to before me this the 23d day of August, 1904.

*H. E. Martin Jr*  
Notary Public.

Cher R 702

IN RE  
THE DEATH OF

Noah Fingley

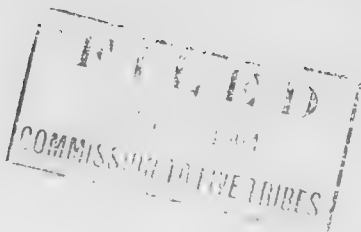
a citizen of the

Cherokee Nation.

Approved: Aug 13 1904 200



Commissioner



## DEPARTMENT OF THE INTERIOR,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Noah Langley  
(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Claremore  
(Here insert name of postoffice.)

, Ind. Ter., and died on the

in

August, 1903

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Western

District. }

I, Charlie Langley, on oath state that I am 27years of age and a citizen, by blood, of the Cherokee Nation;that my post office address is Claremore, Ind. Ter.; that I am

(Here insert name of post office.)

was brother of Noah Langley,  
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)who was a citizen, by blood, of the Cherokee Nation;and that said Noah Langley died on the

(Here insert name of deceased.)

August, 1903.

WITNESSES TO MARK:

(Must be Two)

(Witnesses.)

Charles H. SawyerCharlie Langley

Subscribed and sworn to before me this

26 day ofJuly1904.Charles H. Sawyer  
Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY, }

Western

District. }

I, Joe M. Latta, on oath state that I am 39years of age, and a citizen, by blood, of the Cherokee Nation;that my post office address is Claremore, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with Noah Langley,  
(Here insert name of deceased.)who was a citizen, by blood, of the Cherokee Nation;and that said Noah Langley died on the

(Here insert name of deceased.)

About August, 1903

WITNESSES TO MARK:

(Must be Two)

(Witnesses.)

Charles H. SawyerJoe M. Latta

Subscribed and sworn to before me this

26 day ofJuly1904.Charles H. Sawyer  
Notary Public.

Cherokee ( D 865 )

R 702.

*atm*

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Noah Langley et al., as citizens by blood of the Cherokee Nation.

--:

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, on November 28, 1900, Noah Langley appeared before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, and made application for the enrollment of himself and minor children, Paula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation. As the applicant, Lizzie H. Langley, has been differently classified, her rights to enrollment as a citizen by intermarriage of the Cherokee Nation will not be considered in this decision. Further proceedings in the matter of said application were had on March 10, 1902, at Muskogee, Indian Territory. The record further shows that on July 29, 1902, the Commission rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that on August 29, 1902 (Departmental letter I.T.D. 4975-02), said decision was duly affirmed by the Department; and that, thereafter, on March 25, 1904 (Departmental letter I.T.D. 7162-03), upon request of the Commission, this case was remanded by the Department for further testimony, and readjudication in accordance with present rulings, and that supplemental testimony in the matter of said application was taken on July 26, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

There is no dispute as to the facts in this case, which, as established by the evidence, are as follows:

(1) That all the applicants herein are Cherokees by blood; that the minor applicants are children of the principal applicant, and one Lizzie H. Langley, a non-citizen of the Cherokee Nation; that the principal applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896; and that the minor applicant, Lula Langley is identified on the Cherokee census roll of 1896, and the minor applicant Leona Langley, is identified by a birth affidavit filed herewith and made a part of the record herein.

(2) That the principal applicant was born in the Cherokee Nation about 1861, and continuously lived therein until about 1885 or 1886, when, for reasons that seemed sufficient to him, he removed from the Cherokee Nation, and, except one winter spent in said Nation, has since, up to and including September 1, 1902, continuously lived outside the limits of the Indian Territory, and that since his removal as above indicated, he has neither owned nor had control of any property situated in the Cherokee Nation; and that the minor applicants were born outside the limits of the Indian Territory, about the years 1895 and 1897, and up to and including September 1, 1902, had continuously lived with their parents since birth.

**FINDINGS OF FACT, AND CONCLUSION:** It is considered that, following the rulings of the Department in the cases of Clara A. Ward (I.T.D. 5878-04, 5096-05), and Valzie K. Vann et al. (I.T.D. 1504, 7486-05), the principal applicant herein expatriated himself from the Cherokee Nation under Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; ... .."

and that the minor applicants herein were born subsequent to their father's forfeiture of his Cherokee citizenship.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the application for the enrollment of Noah Langley, Lula Langley and Leona

Langley, as citizens by blood of the Cherokee Nation, be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 ( 30 Stat., 495).



---

Commissioner to the Five Civilized Tribes

Dated at Muskogee, Indian Territory,  
this JAN 15 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

-----

In the matter of the application for the enrollment of  
Lizzie H. Langley as a citizen by intermarriage of the Cherokee  
Nation.

**D E C I S I O N**

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah,  
Indian Territory, on November 28, 1900, an application was received  
by the Commission to the Five Civilized Tribes for the enrollment  
of Lizzie H. Langley as a citizen by intermarriage of the Cherokee  
Nation. Further proceedings in the matter of said application  
were had at Muskogee, Indian Territory, on March 10, 1902.

The record further shows that on July 26, 1902, the Com-  
mission to the Five Civilized Tribes rendered its decision herein  
denying said applicant's right to enrollment as a citizen by  
intermarriage of the Cherokee Nation, and that on August 26, 1902,  
(Departmental letter I.T.D. 4975-1902), said decision was duly  
affirmed by the Department; and that, thereafter, on March 25,  
1904, (Departmental letter I.T.D. 7162-1903), this case was re-  
manded by the Department for further testimony and readjudication,  
and that said supplemental testimony was taken on July 26, 1904,  
at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant  
herein, Lizzie H. Langley, is a white woman, and neither claims  
nor possesses any right to enrollment as a citizen of the Cherokee  
Nation other than such right as she may have acquired by virtue of  
her marriage, in 1894, to her husband, Noah Langley.

Noah Langley is identified on the Cherokee authenticated  
tribal roll of 1880 and the Cherokee Census Roll of 1896 as a native  
Cherokee. On January 15, 1906, the Commissioner to the Five  
Civilized Tribes rendered his decision in this case, wherein it  
was held that the said Noah Langley had forfeited his Cherokee  
citizenship, and his application for enrollment as a citizen by  
blood of the Cherokee Nation was accordingly denied. This de-  
cision of the Commissioner was affirmed by the Department on  
March 7, 1906 (Departmental letter I.T.D. 1922-1906).

In view of the foregoing it is considered that the applicant  
herein did not marry a recognized citizen by blood of the Cherokee  
Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance  
with the decision of the Supreme Court of the United States, dated  
November 1, 1906, in the cases of Daniel and Bird et al vs the  
United States, Nos. 125, 126, 127 and 128, the said applicant,  
Lizzie H. Langley, is not entitled, under the provisions of Section  
21 of the Act of Congress approved June 28, 1906 (34 Stat., 293),  
to enrollment as a citizen by intermarriage of the Cherokee Nation,  
and her application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

Commissioner.

1000000

1000000

1000000



COMMISSIONERS

HENRY L. DAWES  
TAMM BERRY  
THOMAS B. NEEDLES  
J. R. BRICKNORRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 29, 1902.

Mr. Noah Langley,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your wife and two minor children**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You are required to supply the Commission with your certificate of marriage.**

A. M. Calley, Yours truly,  
Claremore, I.T.  
Cherokee D-868  
Register.

Acting Chairman.  
Commissioner in Charge.

DEPART  
COMMISSIONER

INDICES.

SEP 1 1901

ACTING CHARMAN.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
CHARLES B. NEEDLES,  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

Sept 23, 1881,

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application of  
Paul Longley et al for enrollment as  
citizens of the Cherokee Nation.

Alm Callaway

No. 18105

007

Cherokee D 865.

Muskogee, Indian Territory, July 29, 1902.

Noah Langley,

Claremore, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your two children, Lula and Leona Langley, as citizens by blood, and for the enrollment of your wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. M. Callaway, Claremore, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. F. Needles.*  
Commissioner in Charge.

Register.

Enc. C. No. 110.

0021  
Cherokee D 866.

Muskogee, Indian Territory, July 29, 1902.

A. W. Callaway,

Attorney for Noah Langley, et al.,

Claremore, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Noah Langley for the enrollment of himself and his two children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*I F Needles*  
Commissioner in Charge.

Register.

Enc. C. No. 121.

Cherokee D 845.

COPY

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Noah Langley for the enrollment of himself and his two children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*E. B. Needles*  
Commissioner in Charge.

Enc. C. No. 112.

COPY

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Noah Langley for the enrollment of himself and his two children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*I. B. Needles.*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 113.

Cherokee D-808

Muskogee, Indian Territory, August 4, 1902.

Joe M. LaHay,

Attorney for Noah Langley,

Claremore, Indian Territory,

Dear Sir:

As requested in your letter of July 31, there is enclosed you herewith copy of testimony taken in the matter of the application of Noah Langley et al, for enrollment as citizens of the Cherokee Nation.

Please sign and return to the Commission receipt for this testimony.

Yours truly,

Acting Chairman.

Encl. B-80.



Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Noah Langley, for the enrollment of himself and his two minor children Lula and Leona Langley as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley, as a citizen by intermarriage of that nation.

The name of said Noah Langley appears on the authenticated tribal roll of 1880 and upon the census roll of 1896. He left the Cherokee Nation in 1887, and married in New Mexico, and his wife and child were at the time of the hearing residing with him in Arizona.

The Commission declined to enroll the applicants because they had not prior to June 28, 1896 removed to and established a bona fide residence in Indian Territory.

The office believes the Commission's action was correct and recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioners.

WCV  
D

3 inclosures.

( D 865 )

D. C. No. 14522-1902.

( C O P Y )

L. R. S.

51726

EAF

ITD. 4975-1902

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902

Commission to the Five Civilized Tribes ,  
Muskogee, I.T.

Gentlemen:

July 29, 1904, you transmitted the record and your decision of that date, , in matter of the application for enrollment of Noah Langley and his minor children, Lula and Leona Langley, as citizens by blood, and of his wife, Lizzie H. Langley, as an intermarried citizen , of the Cherokee nation.

It appears that Noah Langley is identified on the authenticated Cherokee roll of 1880 and the census roll of 1896; that he left the Cherokee Nation in 1887 and has not returned thereto; that his wife and children are now residing with him in Arizona, and that the wife and children have never resided in Indian Territory. You rejected the application in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), because of non-residence in the Territory on the date of said act.

In forwarded the papers August 14, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary

EDD

Cherokee D 866.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Noah Langley for the enrollment of himself and his two minor children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cherokee D 865.

COPY.

~~Muskogee, Indian Territory, September 17, 1902.~~

Joe M. La Hay,

Representative for A. M. Callaway,

Attorney for Noah Langley, et al.,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Noah Langley for the enrollment of himself and his two minor children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie F. Langley, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cherokee D 866.

~~Muskogee, Indian Territory, September 17, 1902.~~

Noah Langley,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your two minor children, Lula and Leona Langley, as citizens by blood, and for the enrollment of your wife, Lizzie H. Langley as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 4975-1902.  
7142-1903.

WHR.

L. P. S.

D. C. 9873-1904.

March 23, 1904.

The Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application for enrollment of Noah Langley as a citizen of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the yeargain case.

October 7, 1903, the Commissioner of Indian Affairs concurred in your suggestion.

A motion for rehearing was filed in this case December 7, 1903.

The testimony in the case is not sufficient to warrant the Department in rescinding its decision and ordering the enrollment of the applicant. The case is, however, returned in accordance with your request in order that further testimony

--2--

may be taken, and for readjudication in accordance with present rulings. The decision of August 29, 1902, is rescinded.

The testimony and motin for rehearing, together with brief filed October 1, 1902, are enclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

3 enclosures.

Tahlequah, Indian Territory, April 9, 1904.

Noah Langley,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that on March 25, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting your application for the enrollment of yourself and minor children, Lula and Leona Langley as citizens by blood, and for the enrollment of your wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation, and remanded your application for the purpose of taking further testimony in the same.

You will be given thirty days from date hereof in which to appear before the Cherokee Land Office of This Commission at Tahlequah, I.T., and offer any further evidence you desire as to your citizenship and continued residence in the Cherokee Nation.

Respectfully,

MH

Commissioner in Charge  
Cherokee Land Office.



Tahlequah, Indian Territory, April 9, 1904.

Joe M. LaHay,

Attorney for Noah Langley,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that on March 25, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting the application of Noah Langley for the enrollment of himself and minor children, Lula and Leona Langley as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation, and remanded said application for the purpose of taking further testimony in the same.

You are further advised that said Noah Langley has been notified this day of the action of the Department and advised that he will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of the Commission at Tahlequah, I.T. for the purpose of offering any further testimony he desires relative to his citizenship and continued residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH

Tahlequah, Indian Territory, April 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 23, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting the application of Noah Langley for the enrollment of himself and minor children, Lula and Leona Langley as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation, and remanded said application for the purpose of taking further testimony in the same.

You are further advised that said Noah Langley has been notified this day of the action of the Department and advised that he will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of the Commission at Tahlequah, I.T. for the purpose of offering any further testimony he desires relative to his citizenship and continued residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH

Cherokee R-702.

Tahlequah, Indian Territory. June 10, 1904.

Commission to the Five Civilized Tribes,  
(Cherokee Division),  
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith original jacket and record in the matter of the application for the enrollment as citizens of the Cherokee Nation, of Noah Langley, et al, Cherokee R-702.

This case was on March 25, 1904, reopened by the Secretary of the Interior and remanded to the Commission for the purpose of taking further testimony therein. On April 9, 1904, the principal applicant, his attorney and the Attorney for the Cherokee Nation were advised of the action of the Department and notified that they would be given until May 9, 1904, in which to appear before this office for the purpose of introducing any further testimony they desired.

There were no appearances on or before May 9, 1904, and the record in this case is therefore transmitted for such further action as the Commission desires to take.

Respectfully,

MBR  
Encl R-199

Commissioner in Charge  
Cherokee Land Office.

Cherokee R. 702.

Muskogee, Indian Territory, June 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

In the matter of the application of Noah Langley for the enrollment of himself, and others as citizens by blood of the Cherokee Nation, you are advised that the Department has re-opened this case for further testimony and as to the applicant's residence.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee R. 702.

Muskogee, Indian Territory, June 25, 1904.

Joe M. LaHay,

Attorney for Noah Langley et al.,

Claremore, Indian Territory,

Dear Sir:

In the matter of the application of Noah Langley, for the enrollment of himself and others as citizens by blood of the Cherokee Nation, you are advised that the Department has re-opened this case for further testimony as to the applicant's residence.

A letter has therefore this day been addressed to the applicant, at Nowata, Indian Territory, directing him to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, July 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee R. 702.

Muskogee, Indian Territory, June 25, 1904.

Noah Langley,

Claremore, Indian Territory,

Dear Sir:

In the matter of your application for the enrollment of yourself and others as citizens by blood of the Cherokee Nation, you are advised that the Department has re-opened your case for further testimony as to your residence.

You are therefore hereby directed to appear before the Commission at its offices at Muskogee, Indian Territory, at nine o'clock A. M. Friday, July 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee R-702.

COPY.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Commissioner.

Incl. S-44

Muskogee, Indian Territory, January 15, 1906.

Joe M. LaHay,

Attorney for Noah Langley, et al.,

Claremore, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

SIGNED:

*Tams Bixby.*  
Commissioner.

Incl. S-43



Cherokee R-702.

COPY.

Muskogee, Indian Territory, January 15, 1906.

Lizzie H. Langley,

Alma, New Mexico.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, rejecting the application of your deceased husband, Noah Langley, for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Joe W. LaHay, Claremore, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

SIGNED:

*Jane Bixby.*

Commissioner.

Incl. 9-42  
Register

COPY.

Muskogee, Indian Territory, January 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee nation, including the Commissioner's decision dated January 15, 1906, rejecting said application.

On March 25, 1904 (I.T.D. 4975-1902, 7162-1903), this case was remanded to the Commission to the Five Civilized Tribes for rehearing and readjudication.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Commissioner.

Incl. G-48

Through the  
Commissioner of Indian Affairs.

LAND  
5438-1906

( C O P Y )  
DEPARTMENT OF THE INTERIOR,

-Copy-

OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 2, 1906.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Noah Langley for himself and his minor children, Lula and Leona Langley.

January 15, 1906, the Commissioner decided adversely to the applicants.

The records show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered a decision denying the applicants enrollment and that on August 29, 1902 (I.T.D. 4973-02) the Department affirmed the decision; that thereafter, on March 25, 1904 (I.T.D. 7162-03) the Department remanded the case for further testimony and readjudication.

The evidence shows that all the applicants are Cherokees by blood; that the minor applicants are children of the principal applicant, and one Lizzie H. Langley, a non-citizen of the Cherokee Nation; that the principal applicant is identified on the 1880 authenticated Cherokee roll and the Cherokee census roll

of 1896; that the principal applicant was born in the Cherokee Nation about 1861 and continuously lived therein until about 1885 or 1886, when he removed from the Cherokee Nation and except one winter, has since, up to and including September 1, 1902, continuously lived outside of the Indian Territory, and that since his removal, he has neither owned nor had control of any property situated in the Cherokee Nation; and that the minor applicants were born outside of the Indian Territory about the years 1886 and 1887, and up to and including September 1, 1902, had continuously lived with their parents since birth.

In view of the record and of the rulings of the department in the cases of Clara A. Ward (I.T.D. 5878-04-3086-05), and Valsie E. Vann, et al., (I.T.D. 1804-7484-08), the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

WCH

C. F. Larrabee  
Acting Commissioner

C

( C O P Y )

D.C. 9463-1906

I.T.D. 1928-1906

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.P.

YHE

L R 8

March 7, 1906

The Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, including your decision of the same date, rejecting said application.

Reporting February 2, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed)

THOS RYAN

First Assistant Secretary

1 inclosure.

Cherokee  
R 703

COPY.

Muskogee, Indian Territory, March 14, 1906

Joe M. La Hay,

Attorney for Noah Langley, et al.

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 7, 1906.

For your information a copy of the Department's letter is inclosed herewith.

Respectfully,

SIGNED:

*Wm. O. Beall*  
Acting Commissioner

Incl. B- 30

LMB

COPY.

Cherokee  
R 702

Muskogee, Indian Territory, March 14, 1906

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 7, 1906.

For your information a copy of the Department's letter is inclosed herewith.

Respectfully,

(SIGNED).

*W. C. Stall*  
Acting Commissioner

Incl. B-31

LMB

COPY.

Cherokee  
R 722

Muskogee, Indian Territory, March 14, 1906

Lizzie H. Langley,  
Alma, New Mexico.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 7, 1906.

Respectfully,

SIGNED.

*W. M. Davis*  
Acting Commissioner

LMB



Cherokee R 702

Muskogee, Indian Territory, February 25, 1907.

Lissie H. Langley,  
Alma, New Mexico.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorney, Joe M. LaHay, Claremore, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Gams Doty*

Commissioner.

Encl. A-32  
RA

Register.

COPY

Muskogee, Indian Territory, February 25, 1907.

Joe M. LaHay,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, denying the application for the enrollment of Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

Encl.-A-33  
RA

Cherokee 900  
R 702

COPY

Muskogee, Indian Territory, February 25, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the application for the enrollment of Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED, *Samuel H. Hix*

Commissioner.

Encl. A-34  
RA

Muskogee, Indian Territory, February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lissie H. Langley, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 25, 1907, denying said application.

Respectfully,

Commissioner.

Encl.A-35  
RA

Through the Commissioner  
of Indian Affairs.

C O P Y .

Refer in reply  
to the following.  
Land 20886-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated February 25, 1907, relative to the application for the enrollment of Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner of February 25, 1907, denying the application.

The office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and his decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

D.C.13259-1907.

J.P.  
W.H.M.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

L.R.S.

I. T. D.

8042, 7044, 7046, 7082, 7080,  
7074, 7078, 7080, 7082, 7086,  
7092, 7094, 7098, 7108, 7120,  
7146, 7150, 7158, 7164, 7166,  
7168, 7170, 7172, 7188, 7202,  
7204, 7206, 7210, 7212, 7220,  
7242, 7250, 7254, 7264, 7274,  
7276, 7278, 7280, 7284, 7286,  
7290, 7300, 7302, 7304, 7306,  
7308, 7312, 7314, 7346, 7350,  
7352, 7354, 7358, 7360, 7362,  
7384, 7390, 7408, 7420, 7424,  
7426, 7428, 7440, 7482, 7484,  
7502, 7504, 7508, 7510, 7512,  
7516, 7518, 7520, 7522, 7524,  
7528, 7530, 7532, 7534, 7538,  
7540, 7542, 7544, 7562, 7598,  
7606, 7612, 7616, 7622, 7630,  
7754, all 1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.

Date of your  
letter of transmittal.

John Wesley Freeman (freedman),  
Harry N. Curry, et al.,  
Stephen Baldrige (freedman),  
Thomas Bell (freedman),  
Martha J. Burgess (intermarriage),

February 18, 1907.  
February 23, 1907.  
February 18, 1907.  
February 18, 1907.  
February 23, 1907.

Moses Carter (freedman),	February 1, 1907.
Harshel L. Hyde (by blood),	February 21, 1907.
John W. Goss (intermarriage),	February 21, 1907.
William S. Hutchins (intermarriage),	February 25, 1907.
Mattie Mackey (freedman),	February 25, 1907.
William C. Smith (by blood),	February 27, 1907.
Roy Drum (by blood),	February 27, 1907.
Loneta Johnson, et al. (by blood),	February 28, 1907.
Cynthia A. Fields (intermarriage),	February 28, 1907.
Nathaniel Wickliff (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie T. Collins (intermarriage),	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Bivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola M. Pinwick (freedman),	February 25, 1907.
Wiley Polston, et al., (freedman),	February 23, 1907.
Passey Grimslett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Lovett (by blood),	February 15, 1907.
Maudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Prayser (intermarriage),	February 16, 1907.
Daniel Sitler, et al., (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 16, 1907.
Felix F. Witt (intermarriage),	February 19, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al., (by blood),	February 16, 1907.
Lilly Irene True, et al., (by blood),	February 25, 1907.
Alberta Sanders, et al., (freedman),	February 25, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearpaw (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett, et al. (by blood),	February 23, 1907.
Charles W. Trent (intermarriage),	February 25, 1907.
John Greese (by blood),	February 25, 1907.
Bessie Landrum, et al. (freedman),	February 25, 1907.
David Monroe Moses (freedman),	February 25, 1907.
Rosa S. Whitaker (intermarriage),	February 25, 1907.

Reeseburn Wright (freedman),	February 14, 1907.
Leonard King, et al. (by blood),	February 14, 1907.
Robertta Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 23, 1907.
Sarah A. Trout (intermarriage),	February 25, 1907.
J. D. Amey, et al. (by blood),	February 25, 1907.
Carnlyer Vestal (freedman),	February 25, 1907.
Lissie H. Langley (intermarriage),	February 25, 1907.
Charles Goldie Hall, et al. (by blood),	February 25, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Screechowl (as citizens), et al.	February 25, 1907.
Baby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedman),	February 23, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields (freedman),	February 14, 1907.
Edmond Durant, et al. (freedmen),	February 23, 1907.
Jane Crittenden (intermarriage),	February 20, 1907.
Jesse Bell (freedman),	February 23, 1907.
Elizabeth C. Leash (intermarriage),	February 23, 1907.
Elsie Mabel Barritt (by blood),	February 1, 1907.
Eliza Rolston (intermarriage),	February 7, 1907.
Tom Hayes Vann (freedman),	February 18, 1907.
Willie Lee Hanks, et al. (freedman),	February 18, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood),	February 23, 1907.
Martha W. Morgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Doc Herron England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Foster (freedman),	February 23, 1907.
Willie Colbert (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Eliza J. Huston (intermarriage),	February 25, 1907.
Ottorein Allen (freedman),	February 18, 1907.
Viola Martin (freedman),	February 18, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph H. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

91 enclosures, and  
152 enclosures to Ind. Of.,  
with copy hereof.

WCF 2/4/07



Cherokee  
R 702.

Muskogee, Indian Territory, March 30, 1907.

Lizzie H. Langley,

Alma, New Mexico.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a citizen by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

LMC

Acting Commissioner.

Cherokee  
R 702.

Muskogee, Indian Territory, March 30, 1907.

Joe L. LaHay,

Attorney for Lizzie H. Langley,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the application for the enrollment of Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-70  
LMC

Acting Commissioner.

Cherokee F.W.B.  
335

Muskogee, Indian Territory, March 30, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-80  
WMP

Acting Commissioner.

5. - C

COMMISSION

FILED

APR 6 1902

March 11, 1870

Received of the Commission of the Peace of the Tribes one copy of the testimony in the  
matter of the application of Susan Savatay, et al

Witnessed at the Court of the Peace of the Tribes

Chas. A. Davis

(Signed) J. H. Smith  
Atty for applicant.

ISE

D-865

20236

Department of the Interior,

COMMISSION TO THE FIVE, CIVILIZED TRIBES

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

907

R.

100

Cher R 703

Cher R 703

Department of the Interior  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T. December, 4th 1900.

In the matter of the application of Jesse B. Ham for enrollment as a Cherokee citizen. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Jesse Ham.  
Q Any other name? A. I sign it Jesse B. Ham  
Q What is your post office address? A. Woodley, I. T.  
Q What district do you live in? A. Cooweescoowee.  
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.  
Q By intermarriage? A. Yes sir.

Applicant presents a duly authenticated marriage license and certificate, certifying that he was married to one Mary Lucas on the 19th of May, 1899.

1890 roll, page 379 No 1507, Mary Lucas, Delaware dist.  
1896 574 236 Jesse Ham

Q What is the name of your children? A. Have none.  
Q Is your wife living? A. Was the last account I had of her.  
Q Are you separated from her? A. Yes sir.  
Q How long did you and she live together? A. About three weeks.  
Q Did she leave you or did you leave her? A. She left me.  
Q Have you married since? A. No sir.  
Q What was the cause of her leaving you? A. She never told me, she told some that she left me because she found that she did not like me, and she told some that it was because she could not enjoy herself as a married woman.  
Q Have you married since? A. No sir  
Q Living single now? A. Yes sir.  
Q Has she married? A. I don't know.

The name of Jesse B. Ham appears on the census roll of 1896 and he presents satisfactory proof as to his marriage to one Mary Lucas a Cherokee citizen by blood, and her name appears on the Census roll of 1890. The statement is that she resided with him only three weeks and is not living with him at the present time, consequently, on account of the separation of said parties, the application for the enrollment of the applicant will be suspended and he will be placed on a doubtful card as a Cherokee citizen by inter-marriage.

Cass. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 4th of December, 1900.

Commissioner.



... T OF T ... 1900

**FILED**  
DEC 4 1900

*[Handwritten signature]*

# CHEROKEES BY BLOOD AND ADOPTION.

(514)

Date

DEC - 4 1900

1900.

District

DELAWARE

Year 1846

Page 274

No. 235

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

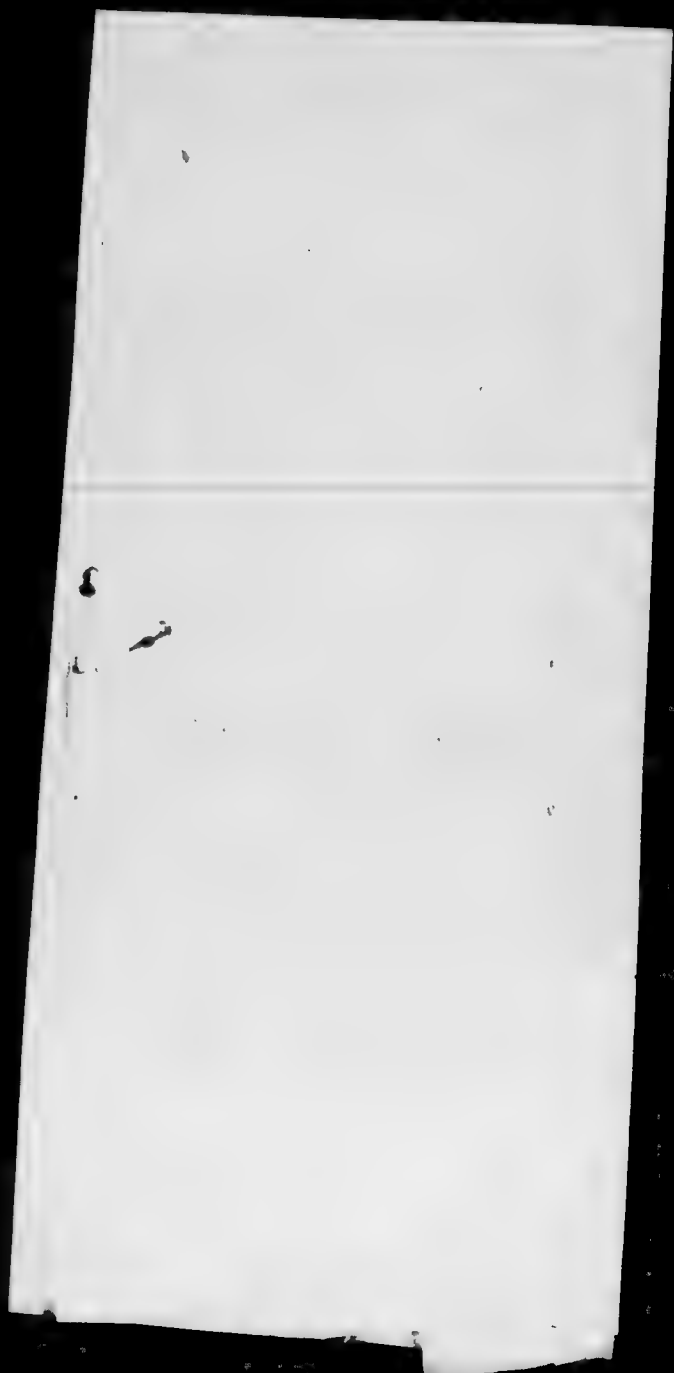
Year

Page

No.

Age

son 1846 called as Jesse Hare



SUPPLEMENTAL - TESTIMONY.

"D" # 880.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., FEBRUARY 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF Jesse D. Ham, "D" # 880.

Jesse D. Ham being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Ham. -  
Q Your full name? A Jesse D. Ham.  
Q What is your age? A Forty four.  
Q What district do you live in? A Cooweescoowee.  
Q What is your Postoffice? A Woodley.

By Mr. W. W. Hastings, Cherokee Representative:

- Q You applied for enrollment at Tahlequah on December 4th as a citizen of the Cherokee Nation by intermarriage, claiming that you had married one, Mary Lucas? A Yes, sir.  
Q Had you ever been married before? A Yes, sir.  
Q When? A In '78.  
Q Where? A In Missouri; Barry County, Missouri.  
Q Did you and your first wife separate? A Yes, sir.  
Q What was that wife's name; maiden name? A Fredonia Hensley.  
Q You separated from her? A She went off with another man.  
Q You never secured a divorce? A No, sir.  
Q That was the last you heard of her? A Yes, sir, never have heard a word of her since.

---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*R. D. [Signature]*  
Subscribed and sworn to before me this 28th day of February, A. D., 1901.



COMMISSIONER.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of JESSE D. HAM  
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears and requests and by agreement his case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee Representative, present.

JESSE D. HAM, being duly sworn, testified as follows in his own behalf:

COMMISSION:

- Q What is your name? A Jesse D. Ham.  
Q How old are you? A 45.  
Q What is your post office address? A Woodley.  
Q You are an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes, sir.  
Q Is there any statement you desire to make relative to your application? A Well none only what I have told.  
Q You submit the case to the Commission for final consideration?  
A Yes, sir.

(Applicant desires to introduce some witnesses.)

THOMAS HAM, being duly sworn, testified as follows on part of applicant:

COMMISSION:

- Q What is your name? A Thomas Ham.  
Q How old are you? A I am 39.  
Q What is your post office address? A Woodley, I. T.  
Q You are ~~an applicant~~ acquainted with the applicant in this case, Jesse D. Ham? A Yes, sir.  
Q Are you related to him? A Yes, sir.  
Q How? A Brothers.  
Q He is a white man? A Yes, sir.  
Q Was he ever married before his marriage to his present wife, Mafy Lucas? A Yes, sir.  
Q What was the name of his first wife? A Wilson.  
Q Was she a white woman? A Yes, sir.  
Q How long did he live with her? A About three months.  
Q Did they separate? A Yes, sir; that is, he left after he married her, he moved away from where we was living and moved about 60 or 70 miles and was gone during the time he was ~~ix~~ with this woman, and that is I don't know that he was with her.  
Q He was not living near you when they separated? A No, sir.  
Q About 70 miles away? A Yes, sir.  
Q You don't know anything about the separation of your own knowledge? A No, sir.

- Q How long after that before he came to this country?  
A We come to this country in 1880.  
Q About year or two? A Yes, sir.  
Q And where was he living at the time he married to his first wife?  
A We was living in Barry County, Missouri.  
Q Near what town? A Gadsby, but changed its name.  
Q What part, near Sedalia, Springfield? A No, sir; he was living away in the southwest of Missouri.  
Q Near what other town? A The largest town we was anywhere close to was Cassville, and the next largest was Keysville, and he left a year or two afterwards and come up here.  
Q And you never heard any mother about that woman? A No, sir.  
Q You never took any pains to find out? A No, sir.

GOODMAN BARNES, being duly sworn, testified as follows on part of applicant:  
COMMISSION:

- Q What is your name? A Goodman Barnes.  
Q How old are you? A 28.  
Q What is your post office address? A Woodley, I. T.  
Q Are you acquainted with the applicant in this case? A Yes, sir.  
Q How long have you known him? A Ever since I was a little boy.  
Q Did you know him when he lived in Missouri?  
A No, sir, I can't recollect that far ago. He come to the Territory in '88.  
Q You don't know anything about ~~xxxx~~ first & his marriage? A No, sir.

MR. HASTINGS:

- Q You don't mean '88 when he come? A No, sir, it was about '80, I was a small boy.

COMMISSION:

- Q Have you known him continuously since that time? A Yes, sir; not more than a year I don't suppose I have been away from him.  
Q Did you know when he married his present wife, Mary Lucas?  
A Yes, sir.  
Q Have they lived together ever since that time? A No, sir.  
Q They separated? A Yes, sir.  
Q When did they separate? A I can't give the date.  
Q He only lived with his first wife a short time according to his testimony, and you say he ~~it~~ only lived with his second wife a short time? A Yes, sir.

JESSE D. HAM, the applicant, recalled:

MR. HASTINGS:

- Q What was the cause of the separation of your ~~first~~ present wife?  
A She never did tell me anything; she told other she didn't like me as well as I could.  
Q What had been your treatment towards her? A Well I treated her as well as I could.  
Q Did you ever try to get her to come back after your separation?  
A Yes, sir.  
Q Did she refuse to come? A Yes, sir.  
Q For what reason? A Didn't hear.  
Q You lived with her about three weeks did you? A Yes, sir.  
Q Were you married since that time? A No, sir.  
Q Not married at this time? A No, sir.  
Q Where is she now? A She was at Fort Smith the last account I had of her.  
Q Had she ever been married before she married you? A No, sir.  
COMMISSION:  
Q Is there any other statement you want to make about your application? A No, sir.

-3-

Q You submit it to the Commission for final consideration?  
A Yes, sir.

The applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.,

---ooo000ooo---

I, J. O. Rosson, ~~being~~ do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Rosson*  
Stenographer.

205

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse D. Ham for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 4, 1900, Jesse D. Ham appeared before the Commission at Tahlequah, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 28, 1902, and on March 11, 1902.

The evidence shows that the said Jesse D. Ham was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on May 19, 1889, to Mary Lucust, a citizen by blood of the Cherokee Nation. The evidence further shows that the said Jesse D. Ham lived with his said wife three weeks, and he testifies that she left him. It further appears from the evidence that the said Jesse D. Ham was formerly married, in 1878, to Fredonia Hensley, under the laws of the State of Missouri; that he lived with his said wife Fredonia a very short time, and at the time of his alleged marriage to Mary Lucust he was separated from his said wife Fredonia without a divorce. There is no evidence to show that Fredonia Ham was dead at the time of the applicant's marriage to Mary Lucust. The said Jesse D. Ham is identified on the Cherokee Census roll of 1896.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692, Compiled Laws of the Cherokee Nation (1892), provides:

"All marriage which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding."

It is, therefore, the opinion of this Commission that the name of Jesse D. Ham is upon the tribal roll of 1896 without authority of law, and that the application for the enrollment of Jesse D. Ham as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
Commissioner

Dated at Muskogee, I. T.

this

JUL 29 1902



Cherokee R-703

Marriage License.

Cherokee Nation, I.T.  
Going Snake District.

To any person legally authorized to solemnize marriage-Greeting:

You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of marriage, between Mr. Jesse Ham, a citizen of the United States, and Miss Mary Lucust, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 18th day of May A. D. 1889.

Aaron Beck, Debt. Clerk  
Going Snake District.

Seal.

Cherokee Nation, I. T.  
Going Snake District.


I, Robert R. Mulkey, a Minister of the Gospel, hereby certify that on the 19 day of May 1889, I joined in marriage Mr. Jesse D. Ham, a citizen of the United States, and Miss Mary Lucust, a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 21 day of May A. D. 1889.

Elder R. R. Mulkey.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. November 6, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me  
this 6th day of November 1902.

  
Notary Public.

24  
112

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 25 1902

*[Handwritten signature]*

COMMISSIONERS,  
HENRY L. DAWES,  
TAMM BIXBY  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1902.

Mr. Jesse D. Ham,

Woodley, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-880  
Register.

Acting Chairman  
~~James H. Hester~~

Commissioner in Charge.

COPY.

Cherokee D 880.

Muskogee, Indian Territory, July 29, 1902.

Jesse D. Ham,

Woodley, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. H. Keen*  
Commissioner in Charge.

Register.

Enc. C. No. 92.

Cherokee D 860.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Jesse D. Ham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

E. J. Green.  
Commissioner in Charge.

Enc. C. No. 93.

Cherokee D 880.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jesse D. Ham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*W. E. Needles*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 94.

Refer in reply to  
the following:  
Land.  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Jesse D. Ham for enrollment as a Cherokee citizen by intermarriage.

The evidence shows that the applicant was married May 19, 1889 to Mary Lucas in accordance with the Cherokee laws; that he lived with her three weeks, when she left him. It also appears that he was formerly married to one Fredonia Hensley in Missouri, with whom he lived a short time, and it is not shown that he was ever divorced from his first wife, nor is there evidence showing that she was dead when he married the second time.

In the opinion of the Commission his second marriage was void and could not vest him with any citizenship rights. This office agrees with the Commission in that particular and recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
B

3 inclosures.

D. C. No. 14532-1902.

L. R. S.

51760

BAF.

ITD. 4920-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 12, 1902, the Acting Commissioner of Indian Affairs forwarded the papers in the matter of the application of Jesse D. Ham for enrollment as an intermarried Cherokee citizen, and recommended that your decision in the case be approved. You transmitted the papers July 29, 1902.

It appears that in 1878 applicant married Fredonia Hensley, from whom he was soon thereafter separated without a divorce; that in 1889 he was married according to Cherokee law to Mary Lucust, a Cherokee citizen by blood, who left him three weeks after their marriage; and that he is identified on the Cherokee census roll of 1896. It is not shown that Fredonia Ham was dead at the date of applicant's marriage to Mary Lucust, and, referring to section 692 of the compiled laws of the Cherokee Nation (1892), you held that applicant's name is on said roll without authority of law and denied his application. A copy of Indian Office letter is inclosed.

After a careful review of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.



Cherokee D 880.

COPY.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Jesse D. Ham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*John D. Dinkley*

Acting Chairman.

Cherokee D 880.

COPY.

Muskogee, Indian Territory, September 17, 1902.

Jesse D. Ham,

Woodley, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*James Bixby*  
Acting Chairman.

Cherokee R-703

Muskogee, Indian Territory, November 8, 1902.

---

Jesse D. Ham,

Woodley, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on May 21, 1889, to Mary Leoust.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2197

Cher R 704

Cher R 704

CHEROKEE

704

DEPARTMENT OF THE INTERIOR

COMMISSION TO REDEEM CERTAIN LANDS

*Benjamin F. Palmer*

704

SEP 27 1902

GRANTED  
ACTION APPROVED BY  
SECRETARY OF INTERIOR.

1902

Cher R 705

Cher R 705

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I.T., December 6, 1900.

In the matter of the application of William Harnage for the enrollment of three orphan children, ~~XXXXXX~~ HARNAGE, JAMES AND SABINA BACON, as Cherokee citizens; being sworn and deposed by Commissioner Needles he testified as follows:

Q What is your name? A William Harnage.  
Q What is your age? A 48.  
Q What is your post-office address? A Muskogee.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q Who do you apply to have enrolled? A The children of Sabina Bacon.  
Q Irena one of them? A Yes sir.  
Q How old is she? A She is about 21.  
These two oldest ones are married; they have been married in Texas a couple of years.  
Q Who do you want to apply for? A Harnage and Sabina and Jim.  
Q Harnage Bacon? A Yes sir.  
Q How old is Harnage? A About 14 or 15.  
Q What is the name of the next one? A James.  
Q How old is he? A Must be about 12.  
Q What is the name of the next one? A Sabina.  
She is a girl, about nine years old.  
Q What is the name of the father of these children? A Dana Bacon.  
Q Is he living? A Yes sir.  
Q Where does he live? A He lives in Texas.  
Q What is the name of their mother? A Sabina.  
Q Is she living? A No sir, she is dead.  
Com'r: The applicant presents certified copy of certificate of admission issued from the office of the commission on citizenship Tahlequah May 19 1887, signed by J.T. Adair Chairman of the Commission, John B. Gunter and D.W. Life, Commissioners, Henry Biffert Clerk of the Committee; the correctness of the copy certified to by ~~th~~ B.W. Alberty, assistant executive secretary of the Cherokee Nation, under the seal of the Cherokee Nation, certifying that Sabina Bacon and Harnage Bacon, her son, were re-admitted to all the rights of Cherokee citizenship on the 21st day of May 1887.  
Q When did Sabina Bacon, the mother of these children, remove to the Cherokee Nation? A She never did.  
Q Never did? A No sir.  
Q Where were these children born? A They were born in Texas.  
Q Have they always lived in Texas? A They came here the spring of the Strip payment, and drew their Strip money, and their father bought them a place in Coconoesconnee District, and he taken them back and sent them to school.  
Q They are there now? A Yes sir.  
Q Their father and mother never were actual residents of the Cherokee Nation? A No sir.  
Q The first time, as I understand, that they ever were in the Cherokee Nation was the time of the Strip Payment? A Yes sir, the spring before the Strip payment.  
Q Their father living? A Yes sir.  
Q What is the post-office address of these children? A Overton, Texas.  
Q Sabina Bacon, their mother, never established her citizenship in the Cherokee Nation by residence? A No sir.  
Q Are they on the roll of 1896, do you know? A No sir, I don't believe they are.  
1896 roll examined and names of children not found;

Wm. Harnage for Bacon children 2

1894 roll page 10 #223 Harnage Bacon Canadian District

1894 roll page 10 #224 as Jennie Bacon "

1894 roll page 10 #225 as Binta Bacon "

Q Did your father, Dna. Bacon, apply to the Commission for the enrollment of these children? A No sir, not that I know of.

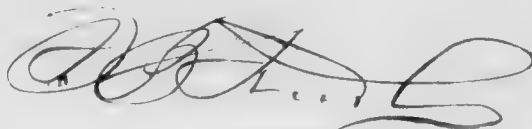
These children are all living at this time? A Yes sir, they were about a month ago.

Court Needles. The name of Harnage and James and Sabina Bacon are not found upon the census roll of 1896; their mother, Sabina Bacon, and the oldest child, Harnage, were admitted to Cherokee citizenship in the year 1887, the certificate of admission being more fully described in the testimony; the testimony shows that these children were born in the State of Texas; their mother never acquired absolute citizenship by residence, having never resided in the Indian Territory after the time of her admission, and the only time that these said children for whom application is made were ever in the Indian Territory was when they applied for their 1894 payment, and their names appear upon the pay roll of 1894; they are duly identified, and by reason of the facts mentioned in the testimony, final judgment as to the enrollment of said children will be suspended and their names will be placed upon a doubtful card.

J.D. Green, being first duly sworn, states that a list photographed to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his list and notes thereof.

*J.D. Green*

Subscribed and sworn to before me this December 6, 1900.



Commissioner.



B

CJ.

REBES

FILED  
DEC 6 1900

CHAKMA

Date DEC - 6 1900 1900.

District ..... Year ..... Page ..... No. ....

Citizen by blood ..... Mother's citizenship..... 4 1/2 1/2

## Intermarried citizen

Married under what law. . . . . Date of marriage. . . . .

License \_\_\_\_\_ Certificate \_\_\_\_\_

Wife's name \_\_\_\_\_

District ..... Year ..... Page ..... No. ....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law ..... Date of marriage.....

**License** ..... **Certificate** .....

**Names of Children:**

Dist. CANADIAN Year 1909 Page 10 No. 100 Age 14

Dist. CANADIAN. Year 1899 Page 10 No. 229 Age 12

Dist. CANADIAN Year 1998 Page 10 No. 225 Age 41

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. .... Year. .... Page. .... No. .... Age. ....

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. .... Year..... Page..... No. .... Age.....

Diet..... Year..... Page..... No..... Age.....

Dist. . . . . Year. . . . . Page . . . . . No. . . . . Age. . . . .

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

2 on 1844 roll	(1)	James	2 acm
2 " " "	"	Pinia	"

R.

C. D-900.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 12, 1902.

**SUPPLEMENTAL TESTIMONY AND PROCEEDINGS** in the matter of the application of Harnage Bacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation.

The applicant's guardian, William Harnage, was notified by registered letter February 20, 1902, that the application of Harnage Bacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicants this date, to-wit: the 12th day of March, 1902, appear by their guardian, William Harnage.

WILLIAM W. HARNAGE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MR. HARNAGE: What is your name?

MR. HARNAGE: William W. Harnage.

Q. How old are you? A. Forty-nine.

Q. What is your post office address? A. Muskogee.

Q. You are the guardian of Harnage, James and Sabina Bacon, are you? A. Yes sir.

Q. They are applicants for enrollment as citizens of the Cherokee Nation? A. Yes sir.

Q. Is there any statement you desire to make relative to their application? A. No sir, nothing further than the certificate of citizenship.

Q. You submit the case in behalf of the applicants for final consideration? A. Yes, I have no further evidence to put in.

William W. Harnage, in behalf of the applicants, and the representative of the Cherokee Nation submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

-----

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Cherokee-n- 900

Sabina Bacon.

Office Commission on Citizenship.  
Tahlequah, C. N. May 19th, 1887

Pocket No.	Names	Age	sex	Attorney
1	Sabina Bacon	30	Female	Overton, Tex.
2	Irena Bacon	3	"	"
3	Willie Bacon	5	"	"
4	Harnage Bacon	2	Male	John G. Harnage. Applicant for citizen Cherokee Nation.

Rolls 1835

Vs  
Cherokee nation  
Filed May 19th 1887.

Ancestor  
Nancy Harnage

Now on this the 21st day of May 1887 comes the above case for final hearing and made application pursuant to an act of the National Council approved December 8th 1886 and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission it is adjudged and determined by the Commission that Sabina Bacon, Irene Bacon, Willie Bacon and Harnage Bacon are Cherokees by blood and they are hereby readmitted to all the rights privileges and immunities of Cherokees by blood.

And a certificate of said decision of the Commission and of readmission was made and furnished said parties accordingly.

Henry Eiffert  
Clk Commission

J. M. Adair, Chairman Commission

John E. Center, Commission  
D. W. Lipe, Commission.

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation filed in this office, and in my custody.  
(SEAL) Given under my hand and the seal of the Cherokee Nation this the 4th day of December 1900.

B. W. ALBERTY  
Assistant Executive Secretary  
Cher. Na.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Harnage Bacon et al. as citizens of the Cherokee Nation,  
Muskogee, Indian Territory,  
May 29, 1902.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Harnage, James and Sabina Bacon as citizens by blood of the Cherokee  
Nation.

DECISION.

The record in this case shows that on December 8, 1900, William Harnage appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Harnage, James and Sabina Bacon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that the said Harnage, James and Sabina Bacon are the minor children of Sabina Bacon, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on May 19, 1867, and that the said Harnage Bacon was admitted to citizenship on the same date.

It further appears that Sabina Bacon, the mother of the applicants herein never removed to the Cherokee Nation, and that the applicants herein were born in the state of Texas, and have never removed to and in good faith settled in the Cherokee Nation or Indian Territory. Paragraph nine of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"That no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Harnage Bacon, James Bacon and Sabina Bacon as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this AUG 15 1902

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Harnage, James and Sabina Bacon as citizens by blood of the Cherokee  
Nation.

DECISION.

The record in this case shows that on December 6, 1900, William Harnage appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Harnage, James and Sabina Bacon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that the said Harnage, James and Sabina Bacon are the minor children of Sabina Bacon, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on May 19, 1897, and that the said Harnage Bacon was admitted to citizenship on the same date.

It further appears that Sabina Bacon, the mother of the applicants herein never removed to the Cherokee Nation, and that the applicants herein were born in the state of Texas, and have never removed to and in good faith settled in the Cherokee Nation or Indian Territory. Paragraph nine of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"That no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Harnage Bacon, James Bacon and Sabina Bacon as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this AUG 15 1902

2

1

100

100 100 100 100

3

COMMISSIONERS  
HARRY L. DAWES  
TAMM B. BRY  
THOMAS S. NEEDLES  
W. H. HERRINGRIDGE

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

L. S. M. A. F. S. WORTH  
S. R. E. T. A. N.

Muskogee, Indian Territory, February 20, 1902. Page 2.

Mr. William Harnage,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of **Harnage, James and Sabina Bacon**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the 12 day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-900  
Registrar.

Yours truly,

~~W. H. HERRINGRIDGE~~  
Acting Chairman.

Commissioner in Charge.



# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of

*Harnage Bacon*, <sup>*Cherokee*</sup> for enrollment as a Cherokee Freedman.

No. F. D. *900*

*STARR.*

of lawful age, being duly sworn on oath states that on the *6th* day of *March*, A. D., 190*2* he registered to *Harnage Bacon*, whose postoffice is *Oveston Tex.*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto ~~attaches the receipt of the Postmaster at~~ *Markeyee* Indian Territory;

and that on the *18th* day of *March*, 190*2* he received the return card which is hereto attached, signed by the said *Harnage Bacon*, showing that he had received said notice.

Subscribed and sworn to before me on this the *18* day of *March* A. D. 190*2*

*J C Starr*

Notary Public.

2

CONFIDENTIAL - FOR OFFICIAL USE ONLY  
MISSION TO THE FIVE CIVILIZED

**FILED**  
MAR 10 1902

  
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of Harage Bacon et al.

for enrollment as Cherokee citizens:

Case No. D 900

To Harage Bacon, Overton, Texas.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. Indian Territory, on March 12, 1906, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 6th, 1906.

M. W. Hastings  
Attorneys for the Cherokee Nation.

Cherokee Nation

COPY

Washoe, Indian Territory, August 18, 1908.

W. W. Hastings, Esquire,

Attorney for the Cherokee Nation,

Washoe, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 18, 1908, denying the application of William Hastings for the enrollment of his sons, Harroge Hosen, James Hosen and Sabina Hosen, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Tame Birby.

Acting Chairman.

Enc. 6, No. 20.

Copy

Cherokee B 800.

Muskogee, Indian Territory, August 15, 1902.

William Harnage,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, conveying your application for the enrollment of your wards, Harnage Bacon, James Bacon and Sabina Bacon, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

*Tame Dixie*

Acting Chairman.

Mus. C. No. 52.

Register.

Cherokee B 600.

COPY

Washburne, Indian Territory, August 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of William Harnage for the enrollment of his wife, Harnage Harn, James Harn and Sabina Harn, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated August 15, 1902, denying the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

*James Bixby.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 7.

D. C. No. 15421-1902.

L. R. S.

ITD. 5466-1902.

53502

452

EAF.

DEPARTMENT OF THE INTERIOR.

Washington, September 12, 1902

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 15, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Harnage, James and Sabina Bacon as citizens by blood of the Cherokee Nation.

The evidence shows that the applicants are the minor children of Sabina Bacon who was admitted to Cherokee citizenship in 1887, and that Harnage Bacon was also admitted at the same time; that the applicants' mother never removed to the Cherokee Nation; that the applicants were born in the State of Texas and have never removed to and in good faith settled in the Indian Territory. You denied the application in accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495).

Forwarding the papers August 30, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms the decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD.



Refer in reply to  
the following:  
Land  
49711-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for the enrollment of Harnage, James and Sabina Bacon as citizens by blood of the Cherokee Nation.

The evidence shows that their mother was admitted to citizenship in the Cherokee Nation May 19, 1887, and that Harnage Bacon was admitted to citizenship at the same time; but that neither the mother nor the children removed to the Cherokee Nation and established a residence there. The children have always resided in the State of Texas.

The Commission declined to place their names on the rolls and the office respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.



COPY

Cherokee D 900.

Muskogee, Indian Territory, October 7, 1902.

William Harnage,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting your application for the enrollment of your wards, Harnage, James and Sabina Bacon, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

J. A. W.  
Acting Chairman.

COPY

Cherokee D 900.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of William Harnage for the enrollment of his wards, Harnage, James and Sabina Bacon, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,

Acting Chairman.

COPY.

Cherokee D 900.

Muskogee, Indian Territory, October 8, 1902.

Cravens & Rutherford,

Attorneys for Harnage Bacon, et al.,  
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of September 29th, relative to the introduction of further testimony in the matter of the application of Harnage Bacon, et al., for enrollment as citizens of the Cherokee Nation.

In reply, you are advised that on August 16, 1902, the decision of the Commission, denying the application of Harnage Bacon, et al., together with the record of proceedings had in said case, was forwarded to the Secretary of the Interior for approval, and on September 16, 1902, the decision of the Commission was approved.

The Commission is, therefore, without authority to reopen the case.

Respectfully,

Acting Chairman.

Cherokee R-705

Muskogee, Indian Territory, November 8, 1902.

William Harnage,

Muskogee, Indian Territory.

Dear Sir:-

When you applied to this Commission for the enrollment of Harnage Bacon et al., as citizens of the Cherokee Nation, you filed with that application a certified copy of certificate, showing the readmission to Cherokee citizenship of Sabina Bacon et al.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc: M-174

D.C. 9017-1904.

JP FHE IRS

I.T.D. 5466-1902 DEPARTMENT OF THE INTERIOR.  
7162-1903.

WASHINGTON.

MARCH 17, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

September 15, 1902, the Department affirmed your decision rejecting the application for the enrollment of Harnage, James and Sabina Bacon, as citizens by blood of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, in which recommendation the Indian Office concurred, in letter of October 7, 1903.

The facts in the case do not warrant its being remanded. It is shown that the said applicants are the minor children of Sabina Bacon, who was admitted to citizenship in the Cherokee Nation in 1887, and that said Harnage Bacon was admitted to citizenship at the same time. Sabina Bacon, the mother of the applicants, now deceased, never removed to the Cherokee Nation.

The applicants were born in Texas and have never removed to and in good faith settled in the Cherokee Nation or Indian Territory.

2

-2-

The Department finds no reason to disturb its decision of September 15, 1902, and it is adhered to. (See opinion of the Assistant Attorney General of March 12, 1904, in the case of Mary L. Strickland et al., approved by the Secretary.)

Respectfully,

(signed) Thos Ryan,

Acting Secretary.

Cher R 706

Cher R 706

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Anna Laura Craig for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Brockbridge, testified as follows:

- Q Give me your full name? A Anna Laura Craig.  
Q How old are you? A Thirty six.  
Q What is your Postoffice? A Tahlequah.  
Q Do you live in Tahlequah District? A Yes sir.  
Q Who is it you want to enroll; yourself and family? A Yes sir.  
Q Have you a husband? A Yes sir, but he is in the "pen".  
Q Have you been divorced from him? A No sir.  
Q Do you wish to apply for him? A I had not thought anything about that.  
Q Do you intend living with him when he gets out of the penitentiary? A I had not thought about that.  
Q How many children have you? A Six now: My first husband and me separated: I have two by him that are with their father at Afton.  
Q Are you a Cherokee by blood? A Yes sir.  
Q Is your husband a Cherokee by blood? A No sir, he is a white man.  
Q Have you lived in the Cherokee Nation all your life? A Yes sir.  
Q Give me the name of your father? A Wellington Shirley.  
Q Is he living? A No sir.  
Q Give me the name of your mother? A Annie.  
Q Is she dead? A Yes sir.  
Q Have you been married twice? A Yes sir.  
Q Give me the name of your first husband? A Brown Hitchcock.  
Q Was he a Cherokee by blood? A Yes sir.  
Q Is he living? A Yes sir.  
Q When did you cease living with him? A I have my divorce papers at home.  
Q About when? A About nine or ten years ago as high as I can come at it.  
Q Have you a decree of divorce from him? A Yes sir.  
Q What is the name of your present husband? A Joseph S. Craig.  
Q White man, is he? A Yes sir.  
Q When did you marry him? A About six years ago.  
Q Have you a certificate of that marriage? A Yes sir, at home: I can bring it in any time.  
Q You have never been married except these two times?  
A That is all.  
Q How old is your present husband? A Twenty nine.  
Q Was he ever married except to you? A No sir.  
Q When was he sent to prison? A Two years the 11th of last September. He was sent for four years.  
Q Where was he sent from? A Tahlequah.  
Q Where is he serving in prison? A Leavenworth.  
Q Has he lived with you ever since he married you, except while in prison? A Yes sir.  
Q In this trouble? A Yes sir.  
Q Never ran off and abandoned you? A No sir, he never did.  
Q Give me the names of these children?  
A Charles B. Hitchcock.  
Q How old is that child? A Eighteen years old.  
Q Next child? A William A. Hitchcock.  
Q How old is he? A Fifteen.  
Q Next one? A Edwin C. Hitchcock.  
Q How old is he? A Thirteen.  
Q Next child? A Beall Craig.  
Q How old is that child? A Nine years old.  
Q The next child? A Leonard Craig.  
Q How old is he? A He is five.  
Q Next child? A Anne May Craig.



- Q How old is that child? A Three years old.  
Q These children are all living now, are they? A Yes sir.

(1880 Roll, Page 809, #2304, Annie L. Hairley, Tahlequah D'st)  
(1896 Roll, Page 1145, #405, Annie Craig, Tahlequah District)  
(1896 Roll, Page 1145, #406, Buall Craig, Tahlequah District)  
(1896 Roll, Page 1145, #407, Leonard Craig, Tahlequah D'st)

- Q Your husband Craig: Did he marry you under Cherokee law?  
A Yes sir.  
Q Have you your license at home? A Yes sir.  
Q Why is he not on the roll of 1896? A I do not know why.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself, her husband and six children: Three of the children, by a former husband, are found to have been enrolled by him. No action is taken in their case. She is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood.

Of her three children by her present marriage, the ones who have not been enrolled, the two older, Buall and Leonard Craig, are identified with her on the roll of 1896: They are living, and will be listed now for enrollment as Cherokees by blood.

When she presents a duly authenticated certificate of the birth of her youngest child, Annie May Craig, this child also will be listed for enrollment as a Cherokee by blood.

She states that her present husband, Joseph S. Craig, is a white man and that they were married in accordance with Cherokee law six years ago: She further states that she has a Cherokee license and certificate in accordance therewith at home, which she can produce. She further states that she has a decree of divorce from her former husband, Brown Hitchcock, dating prior to her marriage to her present husband. Her present husband is at this time in prison, as set forth in the testimony: He is not identified on the roll of 1896: Giving him the benefit of all the doubts that can enter into his case, he will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, and the applicant is desired to supply the Commission with the Cherokee license and certificate attesting their marriage; also a copy of the decree of divorce from her first husband. She states that her present husband, Joseph S. Craig has lived with her continuously since their marriage, except during the period when he was sent to prison.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December, 1900.

*R. A. Crawford*  
*C. R. Breckinridge*  
COMMISSIONER.

FILED  
DEC 6 1900

*Handwritten signature*

CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

TAHLEQUAH.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Evidence of marriage to be supplied

Rec'd of divorce of wife from former husband to be supplied

X Ref A 1215

R.

C. D-904.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Joseph S. Craig for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application.

W. W. HASTINGS, being first duly sworn, and being examined, testified as follows:

My name is W. W. Hastings, age 35, postoffice Muskogee Tahlequah. I am the representative of the Cherokee Nation in making the roll of Cherokee citizens. I am acquainted with the applicant, Joseph Craig. A few days ago he called me up over the 'phone and asked me what was the matter with his case. He also asked me about the Act of the Cherokee Council dated December 16, 1895, and whether or not the Commission was enrolling anybody who married subsequent to that time. I told him over the 'phone that they were not, and he said then he would not come down in response to the Commission's notice, because he married in May, 1896, and that I might say as much to the Commission.

The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

-----

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

5904

OT-110

Del. A. C. Clark,  
Pro. Secy.

1940-1941



License issued to Joseph S. Craig to marry Annie Hitchcock on  
this the 27th day of April 1896.

Arch Spears,  
Deputy clerk.

(Above is from Page 32)

(Page 34)

May 14th 1896.

I hereby certify that I have this day joined in the holy bonds of matrimony Joseph S. Craig, a white man and Annie Shirley, a citizen of the Cherokee Nation.

Jeff Rebersen,  
Judge District Court,  
T.D.I.T.

Executive Office Cherokee Nation,  
Tahlequah I.T.

I, B.W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy from the marriage record of Tahlequah District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 11th day of June 1902.

B. W. Alberty  
Assistant Executive Secretary,  
Cherokee Nation.

SECRET EXHIBIT 100-100-100-100

1. The subject was found on the west of the Chelona station, the first

I B A V I P O T C H A S A I E T S U F E X O S T J L A S

...the Office of the Director, National

1. Walter J. Rife is a resident of the Cherokee Nation.  
 2. In the fall of 1934, Walter J. Rife was in the  
 3. Cherokee Nation and he was in the Cherokee Nation

(7-111 70 1000 0000-1)

Debería oírse  
volar zbeczka.

JUN 21 1902

ACTING CHAIRMAN

JUN 22 1992

FO-MAILA VINTS HIGORODOK ON

• 1965

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

• Total color (C) and (C) and (C) and (C)  
• Total color (C) and (C) and (C) and (C)

[illegible]

Cherokee Nation.  
Executive Order.

End m-2179

4520

2



Regular September Term Circuit Court 1895.

=====

T. Brown Hitchcock {  
Vs { Continued  
Annie L. Hitchcock(

Executive Office Cherokee Nation,  
Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is all the Circuit Court record for Tahlequah District Cherokee Nation show in reference to the divorce matter between Brown Hitchcock and Anna Hitchcock; that the above Docket for September Term 1895 shows the case continued, but said record show no proceeding that were had in said Court for the April Term of said Court 1896 or September 1896 nor April 1897; that the Circuit court record books have been deposited in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 11th day of June 1902.

B. W. Alberty  
Assistant Executive Secretary,  
Cherokee Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph S. Craig, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, Anna Laura Craig appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of Joseph S. Craig, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that on May 14, 1896, the said Joseph S. Craig was married under a Cherokee marriage license, to Anna L. Shirley. The name of Anna L. Shirley is found upon the 1880 authenticated Cherokee tribal roll in the possession of the Commission.

The evidence further shows that the applicant's wife, Anna L. Craig, had been previously married to Brown Hitchcock, from whom she states she had been divorced, but no record evidence of the divorce is filed.

Section twenty-one, of the Act of Congress, approved June 28, 1898 (30 Stat., 495), provides for the enrollment of Cherokee citizens:

"With such intermarried white persons as may be entitled to citizenship under Cherokee Laws".

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;—"  
An Act of the Cherokee National Council, approved December, 16, 1895, provides:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

March 10 1902.

It is, therefore, the opinion of this Commission, that the application for the amendment of Article 2, Code, as a condition of intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Wakarusa, Indian Territory.

this JUL 29 1902

RECEIVED  
JAN 11 1919  
1919

COMMISSIONERS  
HENRY T. DAWES  
JAMES HIXBY  
THOMAS B. NEEDLES  
R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

JOHN L. AYERSWORTH  
TENTATIVE

Muskogee, Indian Territory, February 20, 1902.

Mrs. Anna Laura Craig

Tahlequah, Indian Territory,

Madam:-

You are hereby notified that the application of Joseph S. Craig

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to your husband Joseph S. Craig; also certified copy of your decree of divorce from your first husband Brown Hitchcock.

CherokeeD-904  
Register.

Yours truly,

~~Acting Commissioner~~

Commissioner in Charge.

COMMISSIONERS  
HARRY L. DAWES  
TAMS BIRBY  
THOMAS B. NEEDLE  
H. BRECKINRIDGE

ALLISON L. AVERSWORTH  
VALERIE A.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee-n- 904

Muskogee, Indian Territory, May 29, 1902.

Mr. J. T. Parks, Executive Secretary,  
Tahlequah, Indian Territory.

Dear Sir:

Please examine the records of your office for evidence of divorce of Anna L. Hitchcock from Brown Hitchcock, and also of marriage of Anna L. Hitchcock to Joseph S. Craig, and if such evidence be found, forward to the Commission certified copies thereof. If no evidence of the divorce or marriage be found, please make certificate to that effect.

Yours truly,

  
Commissioner in Charge.

Muskogee, Indian Territory, May 29, 1902.

Mr. J. T. Parks, Executive Secretary,  
Tahlequah, Indian Territory.

Dear Sir:

Please examine the records of your office for evidence of divorce of Anna L. Hitchcock from Brown Hitchcock, and also of marriage of Anna L. Hitchcock to Joseph S. Craig, and if such evidence be found, forward to the Commission certified copies thereof. If no evidence of the divorce or marriage be found, please make certificate to that effect.

Yours truly,

Commissioner in Charge.

COPY

March 1, 1901

Wichita, Indian Territory, July 27, 1901.

Joseph S. Craig,

Adair, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the certification of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*I. E. Needles*

Commissioner in Charge.

Register.

Enc. C. No. 43.



COPY

Charles B. 104.

Hultholm, Indian Territory, July 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Hultholm, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph B. Craig for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*J. B. Craig*

Commissioner in Charge.

Enc. C. No. 44.

Cherokee N 104.

COPY

Muskogee, Indian Territory, July 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Joseph B. Craig for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1908, rejecting said application.

Very respectfully,

I. B. Needles  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. FO. 49.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY)

Department of the Interior,  
Office of Indian Affairs,

Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Joseph S. Craig for enrollment as a Cherokee citizen.

It is shown in this case that the applicant was married under a Cherokee license to Anna L. Shirley May 14, 1896, and that Anna L. Shirley was a Cherokee citizen whose name appears on the 1880 authenticated roll. It is further shown that his wife had been previously married to one Brown Hitchcock, from whom she had not been divorced.

The Commission refused to enroll the applicant. This office believes it's action was correct, and respectfully recommends that it's decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14393-1902.

L. R. S.

51761

EAF.

ITD. 4922-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 12, 1902, the Acting Commissioner of Indian Affairs forwarded the papers in matter of the application for enrollment of Joseph S. Craig as an intermarried Cherokee citizen, and recommended that your decision of July 29, 1902, denying the application, be approved.

The evidence shows that applicant was married May 14, 1896, to Anna L. Shirley whose name is upon the Cherokee authenticated roll of 1880. The Cherokee act of December 16, 1895, declares that non-citizens thereafter marrying Cherokees by blood, "shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation." The applicant is a white man.

The Department affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COPY.

Cherokee D 904.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Joseph S. Craig for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Tamm Bixby.*  
Acting Chairman.

COPY

Cherokee D 904.

Muskogee, Indian Territory, September 17, 1902.

Joseph S. Craig,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Tamm Dixby.*

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES  
TAMM BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
CLERK

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-706

Muskogee, Indian Territory, November 8, 1902.

Anna Laura Craig,

In care of Joseph S. Craig,

Tahlequah, Indian Territory.

✓  
Dear Madam:-

When you applied to this Commission for the enrollment of Joseph S. Craig as a citizen of the Cherokee Nation, you filed with that application certified copy of record in suit of T. Brown Hitchcock vs. Annie L. Hitchcock; also certified copy of marriage record, showing your marriage under the name of Annie Shirley, to Joseph S. Craig, on May 14, 1896.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

*L. H. Aylesworth*  
Commissioner in Charge.

Acting Chairman.

Enc. M-2179

Cher R 707

Cher R 707



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
TAHLQUAH, I.T., DECEMBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles W. Cooper for enrollment as a citizen of the Cherokee Nation, and he appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

- Q What is your name? A Charles W. Cooper.  
Q How old are you? A Twenty two.  
Q What is your Postoffice address? A Collinsville.  
Q Are you a Cherokee by blood? A Yes sir.  
Q What degree of Cherokee blood do you claim? A One sixteenth.  
Q Do you apply for any one besides yourself? A No sir.  
Q How long have you actually resided in the Cherokee Nation?  
A I have been out and in; I have not been any one place any length of time.  
Q Have you actually made your home here at any time? A Yes sir.  
Q For what time? A Four or five weeks at a time some places.  
Q How long have you actually resided in the Indian Territory?  
A I do not suppose I have been here over three or four months, counting up all together.  
Q Where were you living on the 28th day of June, 1898?  
A I guess I was in Oklahoma City then.  
Q Had you ever been here before that time.  
Q Not since I was a little kid.  
Q Where were you raised? A In Texas principally.  
Q Were you born in the Cherokee Nation?  
A I can not say.  
Q Why did you not enroll while the Commission was at Bartlesville?  
A I was not there then.  
Q Where were you then? A Oklahoma City.  
Q How long since you came from Oklahoma City to the Cherokee Nation? A A little over two weeks.  
Q What are you doing here now? A Working with my father.  
Q Where does your father live? A Collinsville.  
Q Have you ever been recognized as a citizen of the Cherokee Nation? A I do not reckon I have.  
Q Did you ever apply to the Commission to the Five Civilized Tribes for enrollment? A No sir.  
Q Did any of your people ever apply? A I do not know, unless my old man did.  
Q What is the name of your father? A Cal S. Cooper.  
Q Is your father a Cherokee or a white man?  
A Claims to be a Cherokee.  
Q What is the name of your mother? A Georgia A.

By Mr. W. W. Hastings, Cherokee Representative:

- Q What is your father's occupation? A Carpenter.

By the Commission:

- Q Was your name embodied in the application made to the Commission to the Five Civilized Tribes, made by Eliza S. Gilliam, in 1896?  
A Yes sir.

- Q Your name was included in that, was it not? A Yes sir.

By the Commission:

Dawes Commission Docket B., Page 235, Cherokee No. 4361, Elizabeth S. Gilliam et al versus the Cherokee Nation: Application filed September 9th, 1896; answer filed, and application denied at Vinita, Indian Territory, November 6th, 1896: Appeal was taken from the decision of the Commission, and the judgment reversed as to one, C. S. Cooper and Charles Cooper.

- Q Is the Charles Cooper mentioned in this judgment rendered by the United States Court yourself? A Yes sir.

- Q Who is Tennie Cooper? A A sister of mine.  
Q Are Dovie and Bathy sisters of yours? A Yes sir.  
Q And the C. S. Cooper mentioned in the judgment is your father, is it? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q C. S. Cooper is separated from your mother now? A Yes sir.  
Q Your mother lives now at Oklahoma City? A Yes sir.  
Q She has been living there for the past eleven years? A Yes sir.

By the Commission:

- Q Where were you living last November? A I was in Oklahoma City.  
Q Did you vote while over there? A No sir.  
Q Did not vote for President, did you? A No sir.  
Q For congressman? A Yes sir.  
Q At the last election? A Yes sir.  
Q Whom did you vote for? A Flynn for Congress.  
Q How many months have elapsed since you came from Oklahoma to the Cherokee Nation? A A little over two weeks ago.  
Q Had you ever been here any time previous to that?  
A Some time back; I have been in here.  
Q How long did you remain then? A About one month I guess all together.  
Q Do you own any property here in the Cherokee Nation?  
A Not at present; I do not.  
Q Did you ever own any? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

Come now the Cherokee Nation by its representatives and protests against the enrollment of this man. First, upon the ground that the United States Court for the Southern District of the Indian Territory, sitting at Ardmore, had no jurisdiction over an appeal in citizenship cases against the Cherokee nation; second, upon the ground of non residence.

By the Commission:

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation. It is shown by the Dawes Commission records, as well according to the page and number as cited in the testimony that the applicant's name was embodied in an application which was made by Elizabeth S. Gilliam et al to the Dawes Commission, in accordance with the Act of Congress approved June 10th, 1896. The application was denied by the Commission. An appeal was taken to the United States Court for the Southern District, where the judgment of the Commission was reversed as to certain persons mentioned in the application. Among those who were granted citizenship by the Court appears the name of Charles Cooper, which the applicant avers is his own name. It appears from the testimony that the applicant has never actually made his residence in the Cherokee Nation, and that on the 28th day of June, 1898, he was residing in Oklahoma City. It further appears that at the last National election, November, 1900, he voted for Delegate Flinn in Oklahoma.

For the reason that he has never actually resided in the Cherokee Nation, he will now be listed for enrollment as a Cherokee by blood upon what is known as a Doubtful Card. The final decision of the Commission will be communicated to him at his present Postoffice address. Attention is also called to the protest which has been made by the Representatives of the Cherokee Nation present, against the enrollment of the applicant.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

WILLIAM V. COOPER.

*W. V. Cooper*

Subscribed and sworn to before me this 12th day of December, 1900.

*W. V. Cooper*

COMMISSIONER.

2117  
12  
OF THE INTERIOR  
MISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
DEC 10 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

DEC 10 1900

1900.

Name

Charles W. Cooper, Collinsville, I. O.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

R.

C. D-929.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., March 13, 1902.

**SUPPLEMENTAL PROCEEDINGS** in the matter of the application of Charles W. Cooper for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinsen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinsen



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Charles W. Cooper as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 10, 1900, Charles W. Cooper appeared before the Commission at Talequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that the said Charles W. Cooper made application to the Commission to the Five Civilized Tribes under the Act of Congress, approved June 10, 1896 (29 Stats., 321), and that the application was denied on November 6, 1896. It further appears from the records of this Commission that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, Southern District, and the judgment of the Commission as to the said Charles W. Cooper was reversed, and the said Charles W. Cooper was by said Court admitted to citizenship in the Cherokee Nation under the name of Charles Cooper. The said Charles W. Cooper is not identified on any tribal roll of the Cherokee Nation in possession of this Commission.

The evidence further shows that the said Charles W. Cooper has never removed to and in good faith settled in the Cherokee Nation or Indian Territory, and that he was not a resident of said nation or territory on June 28, 1898.

Par. 9, of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for enrollment of Charles W. Cooper as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this JUL 16 1902

COMMISSIONERS.  
HENRY L. DAWES,  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. Charles W. Cooper,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 13 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,



ALLISON I. AYLESWORTH

Commissioner in Charge.

Cherokee D-929  
Register.



Cherokee D-982.

COPY.

Muskogee, Indian Territory, July 16, 1908.

V. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Charles W. Cooper for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Jan. 1909*  
Acting Chairman.

Ins. H-72.

Cherokee D-929.

COPY.

Muskogee, Indian Territory, July 16, 1902.

Charles W. Cooper,  
Collinsville, Indian Territory.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with the decision of the Commission rejecting said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.  
Inc. B-71.

Cherokee D-929.

COPY.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles W. Cooper for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully

2  
y.  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-73.

Refer in reply to  
the following:  
Land.  
42,718-1902.

(Copy)

Department of the Interior,  
Office of Indian Affairs,

Washington, July 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the application of Charles W. Cooper for enrollment as a citizen, by blood, of the Cherokee Nation.

The evidence in this case shows that Charles W. Cooper made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of that nation, in accordance with the provisions of the Act of June 10, 1896; that on November 6, 1896, his application was denied; that thereafter an appeal was taken from the decision of the commission to the United States Court for the southern district of the Indian Territory; that the judgment of the commission was reversed, and that Charles W. Cooper, the applicant, was admitted by the court to citizenship in the Cherokee Nation under the name of Charles Cooper.

The record further shows that the name of Charles Cooper does not appear on any of the tribal rolls in the possession of the commission.

It also shows that he was not a resident of the Indian Territory on June 28, 1898, and that he was not, at the date of the taking of the testimony in this case -- December 10, 1900.

- 2 -

The commission held that under the provisions of section 21 of the Curtis Act which declares that "no person shall be enrolled ~~who has not heretofore removed to and in good faith settled in the~~ nation in which he claims citizenship," the applicant was not entitled to enrollment.

With this conclusion the office does not agree.

This applicant was admitted to citizenship in the Cherokee Nation by a decree of a court of competent jurisdiction and in the opinion of this office the commission is without jurisdiction to question this applicant relative to his residence or anything else, pertaining to his citizenship, and it is its duty, therefore, to place his name on the roll as a citizen of the Cherokee Nation.

It is therefore respectfully recommended that the decision of the commission rejecting the applicant be not approved, and that the commission be directed to enroll the applicant.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G. A. W.) P.

5929

D. C. No. 13626-1902.

J. P.

L. R. S.

49698

RAF.

ITD. 4642-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 19, 1902.

~~Commission to the Five Civilized Tribes,~~

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Charles W. Cooper for enrollment as a citizen of the Cherokee Nation, transmitted with your letter of July 16, 1902.

It appears that the applicant was admitted to citizenship in the Cherokee Nation by the United States Court in the Indian Territory, Southern District, under authority contained in the act of June 10, 1896 (29 Stat., 321); that he resides in Oklahoma, and that he has never removed to and in good faith settled in said nation or Indian Territory, and that he was not a resident of that Territory on June 28, 1898. Referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," you rejected the application for enrollment.

Reporting in the matter July 30, 1902, the Acting Commissioner of Indian Affairs states that he does not concur in your decision. He holds that as the applicant was admitted to citizenship in the Cherokee Nation by decree of a court of competent jurisdiction, your Commission is without authority to question the applicant

relative to his residence, or anything else pertaining to his citizenship; that it is your duty to place the applicant's name on the roll as a citizen of the Cherokee Nation. He recommends that your decision be reversed.

The Department concurs in your views. The admission of Cooper to citizenship by the court placed him in the exact position of any other citizen of the Cherokee Nation; it gave no right superior to that of any other citizen who was on the confirmed roll of the nation and not compelled to establish citizenship rights as provided by the act of June 10, 1896. Any citizen could decitizenize himself, and it cannot be contended that any citizen entitled to enrollment prior to June 28, 1898, by virtue of his enrollment on the Cherokee roll of 1880, would be entitled to enrollment by you if he had abandoned his residence and removed from the Indian Territory, and had not returned to and in good faith settled in said Territory on June 28, 1898. There is no reason why a citizen, found to be such by the court, who had in like manner ceased to be a resident in good faith of the Indian Territory on June 28, 1898, or had not returned there at that time, should be enrolled. Your decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

COPY.

Cherokee D 929.

Muskogee, Indian Territory, September 4, 1902.

Charles W. Cooper,

Collinsville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

*Tamr Birby.*  
Acting Chairman.



COPY

Cherokee D 929.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Charles W. Cooper for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Acting Chairman.

D.C.8899-1904.

JP IRS FHE

Department of the Interior,

I.T.D. 4642-1902. Washington.  
7162-1903.

March 16, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 19, 1902, the Department affirmed your decision of July 16, 1902, rejecting the application of Charles W. Cooper for enrollment as a citizen by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In this recommendation the Indian Office concurred, in letter of October 7, 1903.

The Department, under the facts in the case, does not find any reason to remand it. It appears that Cooper was "admitted" to citizenship in the Cherokee Nation by the United States Court for the Southern District, Indian Territory, in accordance with the provision of the act of June 10, 1896 (20 Stat., 321). He is not identified on any tribal rolls of the Nation in your possession. In rejecting the application you referred to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), and stated that the evidence

showed that Cooper had never removed to or in good faith settled in the Cherokee Nation or Indian Territory, and that he was not a resident of said Territory on June 28, 1898.

Finding no reason to disturb the decision of August 19, 1902, it is adhered to.

Respectfully,

signed Thos Ryan,

Acting Secretary.

Cher R 708

Cher R 708

CHEROKEE

R

708

Frank B. Ridge

708

Ex. He married and transferred to owner and about 1847

Cher R 709

Cher R 709

CHEROKEE

R 709

*Cicero Markham*

REFUSED 709

ACT RECORDED BY

SEP 15 1902

*Mr.*

Cher R 710

Cher R 710



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
VINITA, I. T., SEPTEMBER 25, 1900.

In the matter of the application of Rosa E. Feust for the enrollment of herself and three children as citizens of the Cherokee Nation; said Feust being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q. Give me your full name, please? A Rosa E. Feust.  
Q How old are you? A. 30  
Q What is your post office? A Needmore.  
Q What district do you live in? A Delaware.  
Q Who is it you want to put on the roll? A. Myself and three children.  
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.  
Q What proportion of Cherokee blood do you claim? A Quarter.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q What is the name of your father? A T. J. McGee.  
Q Cherokee or white man? A Cherokee.  
Q Dead or alive? A Alive.  
Q Your mother's name? A Martha.  
Q Cherokee or white woman? A Cherokee.  
Q Dead or alive? A Dead.  
Q How long has she been dead? A About three years.  
Q When were you married? A In 1885.  
Q What was the name of your husband? A J. W. Feust.  
Q Cherokee or white man? A White man.  
Q Dead or alive? A Alive.  
Q How long did you live with him? A About 11 years.  
Q Are you divorced from him? A Yes sir.  
Q Have you a decree of divorce? A Not here with me.  
Q Give me the name of your children, please. A Jefferson.  
Q How old is that child? A 12 years old.  
Q The next child? A Bertha.  
Q How old is that child? A Ten.  
Q The next child? A James V.  
Q How old is that child? A Five.  
Q All living now, are they? A Yes sir.  
Q You and your husband separated some three or four years ago, did you? A Yes sir.

Interrogatories by W. T. Hutchins, Cherokee Representative:

- Q Have you re-married since? A No sir.  
Q What was the cause of the separation between yourself and your husband, what was the ground upon which the divorce was granted? A Cruelty.  
Q You sued him for divorce and got it? A Yes sir.

1880 enrollment; page 288, #1750, R. E. McGee, Delaware.  
1896 enrollment; page 468, #1093, Rose Ella Feust, Delaware.  
1896 enrollment; page 572, #177, James V. Feust, Delaware.  
1896 enrollment; page 468, #1094, Thomas Jefferson Feust, Delaware.  
1896 enrollment; page 468, #1095, BIRTHA Feust, Delaware.  
1896 enrollment; page 468, #1096, James Monroe Feust, Delaware.

- Q You have the custody of these children, have you? A Yes sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and three children. She is identified on the rolls of 1880 and 1896 as a native Cherokee, and she has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

Rosa M. Faust---2.

Her husband from whom she is divorced, married her in 1888, and he is identified with her on the roll of 1896, and no application is made for him. The three children enumerated in the testimony are identified on the roll of 1896. They are living at this time, and they will be listed at this time for enrollment as Cherokees by blood.

---see000see---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. REASON.

Subscribed and sworn to before me this 26th day of September, 1900.

G. R. BRIDGEMAN.

Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
TAHEQUAH, I.T., DECEMBER 24th, 1900.

IN THE MATTER OF THE APPLICATION OF James W. Foust for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A James W. Foust.  
Q How old are you? A Forty two.  
Q What is your Postoffice address? A Needmore.  
Q What district do you live in? A Delaware.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood or intermarriage? A By adoption.  
Q Whom do you desire to enroll? A Myself.  
Q Any one else? A I think my wife enrolled the children.  
Q Are you and your wife not living together? A No sir.

Com'r. T. B. Needles: The applicant presents a duly authenticated marriage license and certificate, certifying that he was married to Miss Rose Ellen McGee on the 21st day of December, 1885.

(1880 Roll, Page 288, #1750, R. E. McGee, Delaware District)  
(1896 Roll, Page 572, #177, James W. Foust, Delaware District)

- Q Is Rose Ellen your first wife? A Yes sir.  
Q Are you her first husband? A Yes sir.  
Q You were never married before? A ~~Yes~~ No sir.  
Q You are not living with her? A No sir.  
Q You were married in 1885? A Yes sir.  
Q How long did you live with her? A We were divorced about three years ago.  
Q About 1897? A Yes sir.  
Q Who sued for divorce? A She applied for divorce.  
Q Divorce was granted upon her application? A Yes sir; it was a mutual compromise divorce: I got the children and she got the divorce.  
Q Were all of the children awarded to her? A No sir, to me.  
Q Who has possession of the children now? A She has possession of them: She went off and was gone up until August; she had possession of them, and then she came back and held her place: She ran a millinery store up here at Grove.  
Q What was the cause of the separation? A All I know it was a mutual disagreement: She wanted to live and town, and we disagreed about it.  
Q Did she not charge you with cruelty? A Yes sir, the allegations were cruelty.  
Q They were proven, were they not? A No sir.  
Q You acknowledged it then? A No sir; I did not appear.  
Q You have never married since? A No sir.

Com'r. T. B. Needles: The name of the applicant, James W. Foust appears upon the census roll of 1896, and he presents satisfactory proof of marriage to one, Rose Ellen McGee, a Cherokee citizen by blood, in 1885, and her name is found upon the authenticated roll of 1880. The testimony of both himself and his wife, when she applied for her own enrollment, show that they have separated and a divorce was procured at the instigation of the said Rose Ellen (McGee) Foust, she averring cruelty. By reason of the evidence of divorce and separation, final judgment as to the enrollment of the said James W. Foust will be suspended and his name will be placed on a doubtful card.

JAMES W. FOUST.

-2-

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*R R Lawrence*  
Subscribed and sworn to before me this 8th day of January, 1901.

*R R Lawrence*

COMMISSIONER.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
DEC 14 1900

 ACTING CHAIRMAN.

# CHEROKEES BY BLOOD AND ADOPTION.

42 Name James W. Foust Date DEC 14 1900 1900.  
 District DELAWARE Year 1896 Page 572 No. 177  
 Citizen by blood no Mother's citizenship.....  
 Intermarried citizen yes

Married under what law ..... Date of marriage Dec 24 1895  
 License ..... Certificate .....  
 Wife's name Haustrup  
 District ..... Year ..... Page ..... No. ....  
 Citizen by blood ..... Mother's citizenship .....  
 Intermarried citizen .....

Married under what law ..... Date of marriage .....  
 License ..... Certificate .....  
 Names of Children:

Dist.	Year	Page	No.	Age
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Divorced husband of Rosella Foust nee  
 m cee

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 22, 1901.

Supplementary testimony in the matter of the application for the enrollment of James W. Foust as a citizen of the Cherokee Nation.

Ellis C. Harlin, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your name? A Ellis C. Harlin.  
Q What is your age? A 27.  
Q What is your postoffice? A Welch.  
Q In what district do you live? A Cowessaw.  
Q How long have you lived in the Cherokee Nation? A All my life.

Examination by J. L. Baugh, representative of the Cherokee Nation-

- Q Mr. Harlin, are you acquainted with James W. Foust? A Yes sir.  
Q How long have you known him? A I expect ten years probably, or longer.  
Q Was he an intermarried white man? A I think so.  
Q Whom did he marry? A He married Rose McGee.  
Q Are they living together now? A I think not.  
Q Have they been separated for some time? A Yes sir.  
Q Did she ever sue him for a divorce? A I think she did.  
Q Was the divorce granted to her? A I think it was.  
Q Do you know that it was granted to her? A I wouldn't say positively; that is what I understand.  
Q Tell how you knew these facts? A Just simply from general hear say is all I know; don't know any facts in the case.  
Q Whom did you hear make those assertions - did you ever hear Rosella say anything about it? A I heard her say she was granted a divorce from him, and also heard him say that she was.  
Q You heard it from both sides? A Yes sir.  
Q In talking with him, did you ever hear him say whether or not he appeared against her when she sued for divorce, or did he allow it to go by default? A I couldn't say; I understand it went by default; that he did not appear against her.  
Q He is not living with her now? A I think not.  
Q How far do you live from her? A Twenty miles.  
Q But you have known the family intimately? A Yes sir, always; all my life.  
Q Did you ever hear whether or not in a conversation with those parties, whether any compromise that he made; whether that compromise was in a suit for divorce or for the purpose of paying a certain amount that Foust owed that he agreed to pay if she would go off and leave him? A It is my understanding; in the first place she left and he agreed to pay her a certain amount and he failed to do it, and she come back and took possession of the home, and then he agreed to leave if she would pay a certain amount to him.  
Q Do you know or not, if you ever heard whether she had given him or paid that amount, or whether he gave her a note? A He gave her his note, but never paid it, and she come back and claimed her home.  
Q Is she living on that home now? A No, I believe she is living in Afton at present.  
Q Does she own that place? A It is called hers.  
Q Where is Mr. Foust now? A I don't know. The last account I heard of him he was on Cow-Skin Prairie.  
Q He is not on this home? A No sir, I think not.

2- J. W. F.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 22nd day of March, 1901.

  
Commissioner.



D975

, ( From page 44)

31, Rose Foust

Vs.

James Foust

1st Judg. by default.

2

( From page 46 in record of proceedings)

" Rosa E. Fouse Vs James Fouse, Defendant fails to answer."

Executive Office Cherokee Nation,  
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above are true copies taken ( the first From the docket of Cases on page 44 and the later from the record of the court proceedings and on page 46) from the record of the Circuit Court of Delaware District for the Regular April term of said Court for 1897, now filed in this Office and in my custody.  
Given under my hand and the seal of the Cherokee Nation this the 9th day of February 1901.

B. W. Alberty  
Assistant Executive Secretary,  
Cherokee Nation.

---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

[Signature]  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of November, 1902.

[Signature]  
Notary Public.

D975

MARRIAGE LICENSE.

CHEROKEE NATION,

DELAWARE DISTRICT.

To any Regular Ordained Minister of the Gospel, or any of the Judges or Clerks of this Nation, Execute and Return Greeting:

You are hereby commanded, In the name of the Cherokee Nation, to solemnize the Rites of Marriage between Mr. James Foust a citizen of the United States, and Miss Rose Eller McGhee a citizen of the Cherokee Nation by blood; the said James Foust having complied with the law regulating the intermarriage of white men and foreigners.

Given on this 21st day of December 1885

(SEAL)

T. J. McGhee

Clerk Delaware District.

This is to certify that the ceremony of Marriage between the within named parties was duly performed by me on the 21st day of December 1885


T. J. McGhee

Clerk Delaware District. T.M.

---c0c---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of November, 1902.

  
Notary Public.

R.

C. D-975.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., March 13, 1902.

**SUPPLEMENTAL PROCEEDINGS** in the matter of the application of James W. Foust for the enrollment of himself as a citizen of the Cherokee nation:

The applicant was notified by registered letter February 23, 1902, that his application for the enrollment of himself as a citizen of the Cherokee nation would be taken up for final consideration by the commission at its offices in Muskegee, I. T., on the 15th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is decreed that this case has been completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

It is directed that copies of the testimony had in the matter of the application of the applicant's wife, Rosa E. Foust, Cherokee Number 3442, be filed with and made a part of the record in this case.

-----

I, W. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

---

D. 876.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., April 19, 1902.

In the matter of the application of James W. Faust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-876.

In the matter of the application of Pauline P. Pitcher for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO 8614.

**CONCLUSION:** The Cherokee Nation, by its representative, makes satisfactory proof of service on the said James W. Faust that it would introduce testimony at the office of the Commission to the Five Civilized Tribes on the 19th day of April, 1902, tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation. The applicant has this day, to wit the 19th day of April, 1902, been called and fails to respond either in person or by attorney.

The Cherokee Nation makes satisfactory proof of service on the said Pauline P. Pitcher, now Pauline Faust, that it would, by its representative, introduce testimony at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the 19th day of April, 1902, tending to disprove her right to be enrolled as a citizen by intermarriage of the Cherokee Nation. The applicant in this case has been called three times and fails to respond either in person or by attorney.

The Cherokee Nation, by its representative, offers in evidence a certified copy of a marriage license issued at Miami, Indian Territory, on the 20th day of December, 1901, by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, by H. R. Butler, Deputy Clerk, authorizing the marriage of J. W. Faust and Mrs. Pauline Pitcher. The certificate of marriage shows that they were united in matrimony by William T. Freeman, a minister of the Gospel, on the 20th day of December, 1901.

The Cherokee Nation, by its representative, desires to call attention to section 608 of the Compiled Laws of the Cherokee Nation for the year 1899.

Upon an examination of the records of the Commission it is found that James W. Faust has been listed for enrollment as a citizen by intermarriage on Cherokee Roll Card Field No. D-876, and that his wife, Pauline P. Faust, nee Pauline P. Pitcher, has been listed for enrollment under the latter name as a citizen by intermarriage of the Cherokee Nation on Cherokee Roll Card Field No. 8614.

Said marriage license is as follows:

MARRIAGE LICENSE.

United States of America, }  
Indian Territory, }  
Northern District. }

ss.

No. 479.

To all persons authorized by law to celebrate marriage, greetings:  
You are hereby COMMANDED to celebrate the rites and publish the names of matrimony between Mr. J. W. Faust, of Miami, in the Indian Territory, aged 40 years, and Mrs. Pauline Pitcher, of Miami, in the Indian Territory, aged 25 years, according to law, and do you officially sign and return this license to the proper Cherokee Agent.

WITNESS my hand and official seal at Miami, Indian Territory,  
this 26 day of Dec. A. D. 1902. (1901)

Chas. A. Davidson,  
Clerk of U. S. Court.

By R. N. Butler, Deputy.

**CERTIFICATE OF MARRIAGE.**

United States of America, }  
Indian Territory, } SS.  
Northern District. }

I, Wm. T. Freeman, a Minister of the Gospel, DO HEREBY CERTIFY,  
that on the 26 day of Dec. A. D. 1901, I did duly and according to  
law as commanded in the foregoing license, solemnize the Rite and  
publish the Bonds of Matrimony between the parties therein named.

WITNESS my hand this 26 day of Dec. A. D. 1901.

My credentials are recorded in the office of the Clerk of the  
United States Court, Indian Territory, Northern District, Book 6,  
Page 120.

W. T. Freeman,  
A Minister of the Gospel.

**CERTIFICATE OF RECORD.**

United States of America, }  
Indian Territory, } SS.  
Northern District. }

I, CHAS. A. DAVIDSON, Clerk of the United States Court in the  
Northern District, Indian Territory, do hereby certify that the  
instrument hereto attached was filed in my office the 3 day of  
Feb'y 1902, and duly recorded in Book E, Marriage Record, Page 97.

WITNESS my hand and seal of said Court at Muskogee, in said  
Territory, this 1 day of Feb'y, A. D. 1902.

Chas. A. Davidson, Clerk.

**CERTIFICATE OF TRUE COPY.**

United States of America, )  
Indian Territory, ) SS.  
Northern District. )

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the  
Northern District, Indian Territory and ex-officio Recorder of said  
District and Territory, do hereby certify that the instrument hereto  
attached is a full, true and correct copy of a marriage license  
filed in my office on the 3 day of Feb'y, 1902.

WITNESS my hand and seal of said Court at Muskogee, in  
said Territory, this 28 day of March, A. D. 1902.

(SEAL)

Chas. A. Davidson,  
Clerk and Ex-Officio Recorder.

By R. D. Owen,  
Deputy Clerk."

Arthur G. Greninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported in full the proceedings in the above case, and that the fore-  
going is a true and complete transcript of his stenographic notes  
thereof.

Arthur G. Greninger

Subscribed and sworn to before me this 26th day of April, 1902

*[Signature]*  
Notary Public.

JAC.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Foust for enrollment as a citizen by intermarriage of the Cherokee Nation:

## D E C I S I O N .

The record in this case shows that on December 14, 1900, James W. Foust appeared before the Commission at Tahlequah, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1901; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902, and it was directed that copies of the testimony had in the matter of the application of the applicant's wife, Rose E. Foust, Cherokee, No. 3442, be filed with and made a part of the record in this case; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 19, 1902.

The evidence shows that James W. Foust was lawfully married under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on December 21, 1885, to one Rose Ellen McGhee, who is duly identified upon the 1890 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that in 1897 the said James W. Foust and his wife, Rose Ellen Foust, were divorced.

The evidence further shows that the said James W. Foust was a resident of the Cherokee Nation from 1885 until 1897 and at the date of this application, and he is duly identified upon the 1890 census roll of the Cherokee Nation.

The evidence further shows that subsequent to his divorce from his first wife, on December 26, 1901, he was lawfully married to Mrs. Paline Pitcher, a white woman. Section 21, of the Act of Congress approved June 26, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666, of the Compiled Laws of the Cherokee Nation (1892), is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

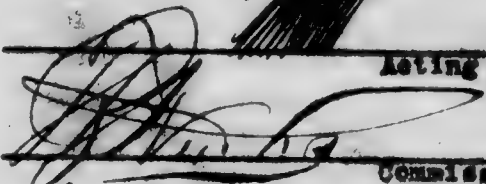
It is, therefore, the opinion of this Commission that the application for the enrollment of James W. Foust as a citizen by



intermarriage of the Cherokee Nation should be denied, and it is  
so ordered.

~~COMMISSION TO THE NINE CIVILIZED TRIBES.~~

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
this JUL 16 1902

100-111-1  
LETTER FROM THE DIRECTOR  
TO THE CHIEF OF POLICE  
FEB 10 1960



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALFRED L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Mr. James W. Foust,

Needmore, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the 13 day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-975  
Register.

Yours truly,

~~XXXXXXXXXX~~  
Acting Chairman.

Commissioner in Charge.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } SS

In the matter of the application of \_\_\_\_\_  
\_\_\_\_\_ for enrollment as a Cherokee Freedman.

No. E.C.D. 975

H. H. Martin, of lawful age, being duly sworn on  
oath states that on the 14 day of April, A. D., 1902 he registered  
to James Sargent whose postoffice is Lawton.

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at \_\_\_\_\_ Indian Territory;  
and that on the 14 day of April, 1902 he received the return  
card which is hereto attached, signed by the said James Sargent, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 11 day of April A. D. 1902

J. C. Clarr  
Notary Public.

NO. 0177

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy  
of within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

DEPARTMENT OF JUSTICE,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

I, the undersigned Attorney for the within named  
applicant, hereby accept service of the within notice  
on this the day of

Attorney for Applicant

the undersigned agent for the within named  
applicant, hereby accept service of the within notice  
on this the day of 190

Agent for Applicant.

## NOTICE.

In the Matter of the application of James W. Fausi  
for enrollment as Cherokee citizens.

To James W. Fausi

James W. Fausi

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on April 5th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this APR 5 1902

No. ....

Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA.)

INDIAN TERRITORY,

NORTHERN DISTRICT

SS

In the matter of the application of.....

*James H. Starr*..... for enrollment as a Cherokee Freedman.

No. F. D. *172*.....

**J. C. STARR,**

..... of lawful age, being duly sworn on oath states that on the *15* day of *March*, A. D., 190*2* he registered to *James H. Starr* whose postoffice is *Indian Territory*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Indian Territory* Indian Territory; and that on the *15* day of *March*, 190*2* he received the return card which is hereto attached, signed by the said *James H. Starr*, showing that he had received said notice.

Subscribed and sworn to before me on this the *15* day of *March*, A. D. 190*2*

*J. C. Starr*  
Notary Public.

2X

111

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 10 1902



ACTING CHAIRMAN

62975

## NOTICE!

IN THE MATTER OF the application of James V. Foust,  
for enrollment as Cherokee citizens;

Case No. D 975

To James V. Foust, Needmore, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 13, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 6, 1902.

N. W. Hastings  
Attorneys for the Cherokee Nation

COPY.

Cherokee D-975.

Muskogee, Indian Territory, July 16, 1902.

James W. Foust,

Needmore, Indian Territory.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rejecting your said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Inc. N-61.



COPY.

Cherokee D-976.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of James W. Moust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-62.

5584  
Cherokee D-975.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James W. Foust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-63.

Refer in reply to  
the following:  
Land  
42718--1902.

(COPY)

Department of the Interior,  
Office of Indian Affairs,

Washington, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission, dated July 16, 1902, transmitting the record relative to the application of James W. Foust, for enrollment as an intermarried citizen of the Cherokee Nation. July 16, 1902 the Commission held that the applicant was not entitled to enrollment as an intermarried citizens of the Cherokee Nation.

The record in this case shows that the applicant was lawfully married under authority of a Cherokee license December 21, 1895 to Rose Ellen McGhee, a citizen of the Cherokee Nation whose name appears on the 1880 roll; that in 1897 the applicant and his wife were divorced; that on December 26, 1901 he was married to Mrs. Pauline Pitcher, a white woman. The Commission in its decision quotes Section 666 of the compiled laws of the Cherokee Nation, with which the Department is undoubtedly familiar.

The office believes that whatever rights to citizenship this applicant obtained by virtue of his first marriage to a citizen of the Cherokee Nation he lost by his marriage to his present wife, a white woman, and it is therefore respectfully recommended that the

- 2 -

decision of the Commission be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

5975  
D. C. No. 13544-1902.

L. R. S.

49028

EAF.

ITD. 4602-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 16, 1902, you transmitted the record in the matter of the application for enrollment of James W. Foust as an intermarried citizen of the Cherokee Nation.

The evidence shows that on December 21, 1885, applicant was married to Rose Ellen McGhee who is identified upon the 1880 authenticated Cherokee roll; that they were divorced in 1897; that on December 26, 1901, the applicant married Mrs. Paline Pitcher, a white woman. Section 666 of the compiled laws of the Cherokee nation declares:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

You denied the application.

The Acting Commissioner of Indian Affairs in letter of July 29, 1902, recommends approval of your decision.

Finding no reason to disturb your decision, it is hereby

- 2 -

affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

Cherokee D 975.

COPY.

Waskoge, Indian Territory, September 3, 1908.

James W. Foust,

Needmore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1908, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1908.

Respectfully,

*Tamie Dixby.*

Acting Chairman.

COPY

Cherokee D 976.

Muskogee, Indian Territory, September 3, 1902.

T. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of James W. Foust for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

James Dixby.

Acting Chairman.



Cherokee R-17

Muskogee, Indian Territory, November 10, 1902.

James W. Foust,

Needmore, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on September 21, 1885, to Rose Ellen McGhee; also certified copy of record of divorce in the case of Rose Foust vs. James Foust; also marriage license and certificate, showing your marriage on December 26, 1901, to Paline Pitcher.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Commissioner in Charge.

Enc. M-179



Cher R 711

Cher R 711

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
TAHLEQUAH, I. T. , DECEMBER 15th, 1900.

In the matter of the application of Thomas J. Adair for the enrollment of some children, FRANK BOON ET AL., as citizens of the Cherokee Nation; said Adair being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Thomas J. Adair.  
Q What is your age, Mr. Adair? A. About 44.  
Q What is your postoffice address? A. Tahlequah.  
Q Who do you apply for for enrollment? A. That list there; the mother of these children is dead.  
Q Who is the mother, Nancy? A. Yes sir.

Applicant applies for the enrollment of Volney, Frank, Earl and Emma Boon.

- Q How old is Volney Boon? A I do not know, Mr. Needles, anything about their age.

Volney Boon 20, next one, 18, next one 16, next one 14.

Com'r:- Applicant presents a certificate copy of a certificate of Admission to Cherokee citizenship issued from the office of the Commission on Citizenship, dated at Tahlequah, May 20, 1887, signed by J. T. Adair, Chairman, J. E. Hunter, Commissioner, D. W. Lipe Commissioner, attested by Henry Eiffert, Clerk of the Commission; the correctness of the certificate being certified to by W. B. Alberty, Asst. Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation; certifying that on the 21st day of May, 1887, said Volney Boon, Frank Boon, Earl Boon and Emma Boone, were readmitted to all the rights and privileges of Cherokee citizenship.

- Q When did these children remove to the Cherokee Nation?  
A They are not here in the Cherokee Nation, Mr. Needles.  
Q Where do they reside? A. Frank Boon is in the Philippine Islands; he made his home here with me.  
Q Did he ever live here, Frank Boon? A. I do not know just how long he was in this country.  
Q Where was he born? A. Texas.  
Q He is now in the Philippine Islands? A. Yes, sir, he is a soldier  
Q Where are the others? A. They are in Texas.  
Q They have always lived in Texas? A. Yes, sir, born in Texas.  
Q Never removed here after their admission? A. Their mother did, she was----  
Q Did their mother ever remove to the Cherokee Nation?  
A. I do not know whether they ever moved here or not.  
Q Her name was Nancy Boon? A. Yes sir.  
Q She was admitted at the same time the others were? A. Yes, sir.

Com'r:- The certificate also certifies that Nancy Boon, the mother of these children was readmitted on the 21st day of May 1887.

Thomas J. Adair--2.

- Q You say she never removed to the Cherokee Nation? A. No sir. she is dead.
- Q Frank did remove here did he? A. Yes sir, he came here and made his home with me and got the Philippine fever and joined the army and went over there.
- Q How long did Frank Boon live in the Cherokee Nation? A. He did not live here long, I don't think he was here, I could not be positive about it, he was not here a great while, Mr. Needles
- Q Do you know what year he came here? A. This--1900. My books will show just when he went to work for me up there, he worked in the store, he must have come here, I could not answer that question positively, it must have been in 1898, 1899 somewhere. He is just about 17 or 18 years old; he is not over 19 I don't reckon now.

1896 Roll; page 1143, #353, Volney Boon, Tahlequah.  
1896 Roll; page 1143, #354, Frank Boon, "  
1896 Roll; page 1143, #355, Pearl (Earl) Boon "  
1896 Roll; page 1143, #356, Emma Boon, Tahlequah.

- Q I these children were not residents of the Cherokee Nation in 1896 how did they happen to be enrolled? A. I do not know about that; they were all minors and never came to this country. Their father died and their mother married again.

1894 Roll; page 746, #86, Volney Boon, Illinois.  
1894 Roll; page 87, Frank Boon, Illinois.  
1896 Roll; page 746, #88, Earl Boon, Illinois.  
1896 Roll; page 746, #89, Emma Boon, Illinois.

- Q You donot recollect you say how long Frank lived here? A. No, sir, I can't tell you the exact time.
- Q Three or four years? A. No, sir, nothing like that; I do not believe he was here more than five or six months; he might have been here longer than that.

Com'r Needles:-- The name of Volney Boon, Frank, Earl and Emma Boon appear upon the census roll of 1896 and the pay roll of 1894. He presents satisfactory proof of their admittance with their mother, Nancy Boon, in year 1887, 21st day of May, The testimony shows that they were born in the State of Texas and that they nor their mother never removed to the Cherokee Nation, with the exception of Frank, who removed and is now a soldier in the Philippine Islands. By reason of the fact of their non-residence, final decision of the enrollment of the said children, will be suspended and their names will be placed upon a doubtful card, and the Commission will decide the matter and you will be notified. The Commission being of the impression that Frank Boon did acquire lawful residence in the Cherokee Nation; that his ground for enrollment is stronger than these other children.

---:---

J. O. Rosson, being first duly sworn, states that as stenographer

Thomas J. Adair--3

to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON

Subscribed and sworn to before me this 19th day of December, 1900

(Signed) C. R. BRECKINRIDGE  
Commissioner

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 23rd day of September 1905.

Myron White  
Notary Public.

2028

3

DEPARTMENT OF THE INT  
ON TO THE FIVE CIVIL  
FEB 15  
DEC 15 1900

BES.

PHAN

## CHEROKEES BY BLOOD AND ADOPTION.

Date

DEC 15 1900

1900.

Name

Tahlequah Ind M.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

1 Volney Boon  
 2 Frank Boon  
 3 Earle Boon  
 4 Emma Boon

Dist.	TAHLEQUAH.	Year	1896	Page	1143	No.	353	Age	20
Dist.	TAHLEQUAH.	Year	1896	Page	1143	No.	354	Age	18
Dist.	TAHLEQUAH.	Year	1896	Page	1143	No.	355	Age	16
Dist.	TAHLEQUAH.	Year	1896	Page	1143	No.	356	Age	14
Dist.		Year		Page		No.		Age	
Dist.		Year		Page		No.		Age	
Dist.		Year		Page		No.		Age	
Dist.		Year		Page		No.		Age	
Dist.		Year		Page		No.		Age	
Dist.		Year		Page		No.		Age	

3 on 1896 will as Pearl (Earl) Boon

DOUBTFUL

These children reside in Texas and applied  
 for by Thomas J. Adair



1  
COPY

R.  
C. D. 984

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., March 14, 1902.

~~SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the~~  
application of Volney Boon for the enrollment of himself, brothers  
and sisters as citizens of the Cherokee Nation.

The applicants were notified by registered letter February 26, 1902, that their applications for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I.T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicants this day, to-wit: the 14th day of March, 1902, appear in person.

VOLNEY BOON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A. Volney Boon.  
Q. How old are you? A. I will be twenty-two the 18th of next April.  
Q. Where do you live? A. Tahlequah.  
Q. You and your brothers and sister were before the Commission for enrollment as citizens of the Cherokee Nation? What are the names of your brothers and sister? A. Frank, Earle and Emma.  
Q. Are they living at this time? A. Yes, sir.  
Q. Where do they live?  
A. Frank is in the 26th Infantry, in the Philippine Islands.  
Q. When did he enlist in the army?  
A. I don't remember. I think in, it must have been in 1898, I am not quite certain.  
Q. Where was he living at that time? A. Tahlequah.  
Q. Where are Earle and Emma? A. With my father in Texas.  
Q. Were you all born in Texas? A. Yes, sir.  
Q. Have you ever resided in the Cherokee Nation?  
A. None except Frank.  
Q. How long did he reside here?  
A. I don't remember that either, I expect about a year.  
Q. When was that?  
A. It must have been 1898. It was right after the close of the Spanish-American war.  
Q. Did he live here for about a year at that time? A. Yes sir.  
Q. Then re-enlisted in the army? A. Yes sir.  
Q. Did you ever reside in the Cherokee Nation?  
A. Not until the 8th of last March, I came here..  
Q. That is, March, 1901? A. Yes, sir.  
Q. Have you made the Cherokee Nation your home continuously since that time? A. Yes sir.  
Q. Your younger brother and sister are not living in the Cherokee Nation at this time? A. No sir.  
Q. What is their post office address? A. Karnes City, Texas.  
Q. What is the date of your birth? A. April 18, 1880.  
Q. You came to the Cherokee Nation in March, 1901? A. Yes sir.  
Q. Did your mother ever live in the Cherokee nation?  
A. I don't know that. I suppose, though, she did. My grand father lived here. I think she lived in Fifth District.  
Q. How long has she been dead? A. I think she died in 1889.  
Q. She was admitted to citizenship in 1889? A. Yes sir.  
Q. Did she then reside in Texas? A. Yes, sir.

Q How long did she reside there previous to that time? Had she been living there as long as you can remember? A. Yes, sir.  
Q Had she ever during that time been in the Cherokee Nation?  
A Not that I know of.  
Q Is your father living? A. Yes sir.  
Q After the death of your mother did your father re-marry?  
A Yes sir.  
Q Was his second wife a white woman? A. Yes sir.  
Q He is living in Texas at this time? A. Yes sir.  
Q And the two children are down there with him? A. Yes sir.  
Q Is there any further statement you desire to make relative to the application of yourself, brothers and sister?  
A Nothing except I have a certificate of admission I want to have filed, and a letter of guardianship.

The documents mentioned will be filed and made a part of the record in this case.

The Certificate of Admission is as follows:

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

Office of Commission on Citizenship.  
Tahlequah, Cherokee Nation.

To all Whom it May Concern:- Greeting:

THIS IS TO CERTIFY, That the following named, to-wit:  
Nancy Boon, female, age 29 years, Volney Boon, male, age 7 years,  
Frank Boon, Male, age 5 years, Earle Boon, male, age 3 years, Emma  
Boon, female, age 1 years, did, pursuant to the provisions of an

Act of the National Council of the Cherokee Nation, approved December 8th 1886, entitled, "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 21 day of May, 1887; that the proof submitted by the above named Nancy Boon in support of her said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council-- and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by the Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name as  
Chairman of the Commission, on this the twenty-  
first day of May, 1887.

T.J. Adair,

Chairman Com. on Citizenship

Attest:

Henry Riffel,

Clerk Com. on Citizenship.

(SEAL)

Approved and endorsed:

D. W. BUSHYHEAD,

Principal Chief, C.N.

R.O. Trent,

Asst. Ex. Sect'y. C.N.

## Letters of Guardianship.

CHEROKEE NATION, I. T. }  
Coconescomee District. }

OFFICE DISTRICT JUDGE, }  
Coconescomee District. }

To Whom It May Concern;

KNOW YE, That I W. H. Starr Judge of the District Court of  
the District and Nation aforesaid, do, by virtue of authority in me vested by law, this day  
make, constitute and appoint in the name and by the authority of the CHEROKEE NATION  
Emely W. Harnage as Guardian of Volney Frank  
Earl and Emma Boone  
minor children of Nancy Boone deceased, late of Lexington  
District, Cherokee Nation, the said Emely W. Harnage having complied with and  
performed all duties required by law of her precedent to this appointment.

In testimony whereof I hereunto set my hand on this the 28<sup>th</sup> day of June

1893

{ SEAL }

Attest:

Clerk

W. H. Starr  
Judge District Court.

District.

Know all men by these presents: That  
in consideration of the Sum of One  
Dollar - the receipt of which is hereby ac-  
nowledged. I hereby transfer to Volney.

Frank, Earl, and Emma Boone, minor  
heirs of Hannie Boone, deed late of  
Kilgore - Texas, their heirs, executors, adminis-  
trators &c, the following described lot.  
situated in the town of Fort Gibson  
Cherokee Nation, Indian Territory.  
to wit:

Lot No 1. Block B. range 5. -  
to have & to hold all and singular  
the said described lot, forever. hereby  
guaranteeing the title to the same  
against any and all claimants  
whatsoever.

In witness whereof I have  
hereby set my hand and Seal, this  
the 8<sup>th</sup> day of July, 1893.

Emily W. Harnage

Witness H. B. Barker

Endorsed as follows:  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
F I L E D  
Mar 14 1902  
TAMM Bixby,  
Acting Chairman.

The Letters of Guardianship are as follows:

LETTERS OF GUARDIANSHIP

Cherokee Nation, I. T.)  
Tahlequah District. )

OFFICIAL DISTRICT JUDGE, )  
Tahlequah District. )

TO WHOM IT MAY CONCERN:

KNOW YE, that I, Jeff Roberson, Judge of the District Court of the District and Nation aforesaid, do, by virtue of authority in me vested by law, this day make, constitute and appoint in the name and by the authority of Cherokee Nation, Emily W. Harnage as Guardian of Velney, Frank, Earl and Emma Boone, minor children of Nancy Boone, deceased, late of Flint District, Cherokee Nation, the said Emily W. Harnage having complied with and performed all duties required by law of her precedent to this appointment.

In testimony whereof I hereunto set my hand on this the 19th day of May, 1896.

JEFF ROBERSON,

Attest: Arch Spears,  
Deputy Clerk, Tahlequah District.

Judge District Court.

(Seal)

Endorsed as follows:  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
F I L E D  
Mar 14 1902.  
TAMM Bixby,  
Acting Chairman.

BY COMMISSION: You submit the case in behalf of yourself, brothers and sister to the Commission for final consideration? A Yessir.

The applicant, in behalf of himself, brother and sister, submits the case. The representative of the Cherokee Nation present submits the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

-----

I, Wm. Hutchinsen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinsen

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE  
CIVILIZED TRIBES, AT MUSKOGEE, I. T. MARCH 20<sup>th</sup> 1902.

-----000-----

In the latter of the application of Thomas J. Adair for the enrollment of Frank Boon et al., Volney, Frank, Earl, and Tama Boon, as citizens of the Cherokee Nation. Subsequent to the taking of the above application, the said Thos. J. Adair, Volney Boon, presents himself to the Commission in person and makes statement in further support of his individual application for enrollment, as a Cherokee citizen by blood.

• D 934\*.

In obedience to a notification to the said Thomas J. Adair and Volney Boon of the time for final hearing and closing of said case by the Commission, a public hearing, Volney Boon, appeared in person, and further stated that in his own behalf and agreed that the case be submitted for final decision by the Commission, that leave was granted him to file brief in support of his contention by his attorney, G. W. Benne.

• Briefs.

The contention of the applicant, Volney Boon, is that he is a Cherokee Indian by blood and a citizen of the Cherokee Nation. That on May 10th, 1837, his mother, Nancy, nee (Volney & Frank, Pearl, and Tama Boon, then minors and children of the said Nancy Boon, were admitted to Cherokee citizenship, by a Commission of the Cherokee Nation duly authorized to exercise such authority, on account of their right to citizenship by virtue of Cherokee blood, that subsequent to their admission to citizenship his mother died, and that his father being a white man, and not a citizen of the said Nation, therefore, remained, and kept said minor children in the state of Texas, where he lived, and soon remarried to a citizen of said state, that his said father continues to live and remain in said state with the



young of said minor children, that applicant and Frank Deen moved into the Cherokee Nation, that Frank is now in the Philippine Islands as a soldier, that applicant was not 21 years of age when he moved into the Cherokee Nation, a resident of and owner of town property, and a farm in said Nation, that he married Miss. Mattie Johnson a Cherokee citizen of blood, on Dec, 22nd, 1901 and is now residing in Tahlequah in said Nation.

Second, That notwithstanding his residence in the state of Texas with his father during his minority, the constituted authorities of said nation have always treated applicant, his brothers and sisters as citizens of the Cherokee Nation, as will be seen by the census roll of 1896, the pay roll of 1894, for the payment per capita of the proceeds of the sale of the Cherokee strip lands, his share of which he participated in, and also by reference to the roll of 1896, as authorized by an act of the National Council to take the census of all recognized Citizens of said Nation, approved August 21st, 1894, and as revised by the terms of an act of said National Council, approved November 9th, 1896, his name appears and will be found thereon as a Native Cherokee by virtue of his Cherokee blood, and as recognized by the Commission aforesaid.

Third- That the non-residence in the Cherokee Nation of his, since their admission to Citizenship, was not optional on his part but a result of his minority and under the control of his father was then by him exercised that right thus afforded him but that as soon as he had reached an age sufficient to manage affairs for himself and with the consent of his father he did avail himself of the right and moved to the Cherokee Nation as above stated, having thus acted in good faith on his part as soon as it was possible to do so, to avail himself of the right and having been recognized as aforesaid by the constituted authorities of said Nation as a citizen thereof, the appli-



2

cant, Volney Boon respectfully asks that he now be recognized and  
listed for enrollment by the honorable Commission as a Cherokee  
Citizen by Virtue of his Cherokee blood,

Respectfully submitted,

*W. B. Boon*  
Attorney for Applicant.

( C O P Y )

Cherokee D 984

Department of the Interior ,  
Commission to the Five Civilized Tribes/  
Muskogee, I. T. June 17, 1902.

In the matter of the application of Volley Boon and others  
for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-984.

APPEARANCES:

The applicant appears in person.

W. W. Hastings in behalf of Cherokee Nation.

VOLLEY BOON?, being first duly sworn, testified as follows:

COMMISSION:

- Q What is your name? A. Volley Boon.  
Q How old are you? A. 22 on the 18th of last April.  
Q What is your postoffice address? A. Tahlequah, I. T.  
Q Yourself, brothers and sister are applicants before the Commission for enrollment as citizens of the Cherokee Nation, are you?  
A Yes sir.  
Q What are the names of your brothers? A. Frank and Earl, and Emma is my sister's name.  
Q Where were you born? A. At Kilgore, Texas.  
Q When did you come to the Cherokee Nation the first time?  
A On the 8th of March last year?  
Q Had you ever been here prior to that time? A. No sir.  
Q Had your brother Frank been here prior to that time? A. Yes, sir.  
Q When did he come the first time? A. I think in either October or November of '98.  
Q In 1898? A. Yes, sir.  
Q Had he ever been here before the fall of 1898? A. He had not.  
Q Have your brother Earl and sister Emma ever been in the Cherokee Nation? A. No sir.  
Q Not living here at this time? A. No, sir.

Examined by Cherokee Representative Hastings:

- Q Is your father alive? A. Yes sir.  
Q He is living in Texas, is he? A. Yes, sir.  
Q Kilgore, Texas? A. No, sir, Karnes City, Texas.

COMMISSION:

- Q When you appeared before the Commission in March, 1902, you stated that your mother died in 1889; is that a mistake? A. Yes sir.  
Q When did she die? A. In '87. When MR. Adair appeared before the Commission I notice that Colonel Needles asked him the question why was it our names were on the roll of 1896 and on the Pay roll of 1894, if we never live in the Cherokee Nation. As to that I want to say that our grand-mother took out guardianship papers for us, and that is why we are on both rolls.  
Q When did your brother Frank first come here, at what time, year and month? A. In November, 1898.  
Q Where was he just prior to that time? A. He just returned from Florida. He was a member of Company I First Texas Infantry.  
Q How old is your brother? A. I believe 20 years old; something over 20.

Volley Boon et al. #2

Q Are you the oldest child? A. Yes, sir.

Cherokee Representative Hastings:

Q Where did he first join the Texas Infantry? A. In Austin.

Q Where was he living at the time he went to Austin? A. We were in school at San Antonio.

-----  
H. M. Vance being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

(Signed) H. M. VANCE

Subscribed and sworn to before me this the 17th day of June, 1902.

(Signed) P. G. REUTER

( S E A L )

Notary Public

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 7th day of October, 1905.

*Myron White*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Volney Boon, Frank Boon, Earle Boon and Emma Boon for enrollment as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 15, 1900, Thomas J. Adair appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Volney Boon, Frank Boon, Earle Boon and Emma Boon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902, and on June 17, 1902.

It appears from the evidence that all the applicants were readmitted to citizenship in the Cherokee Nation by the duly constituted tribal authorities of said Nation on May 21, 1887; and that all of them are identified as native Cherokees on the 1890 Census Roll and on the 1894 strip payment roll of the Cherokee Nation.

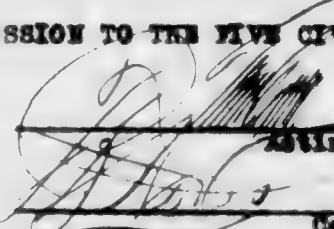
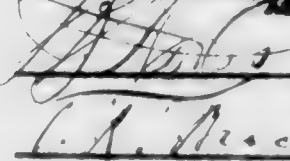

It is not established by the evidence that any of the applicants, or their parents, ever became residents of the Cherokee Nation, or any other part of the Indian Territory, prior to June 28, 1898; on the contrary, it appears that all the applicants were born in the State of Texas, and all, with the exception of Frank Boon, resided in said State continuously up to and including the date of the application herein; and that Frank Boon never removed to or resided in said Nation, or in any part of the Indian Territory, until November 1898.

In the ninth paragraph of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495), it is provided that -

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

It is therefore the opinion of this Commission that the application of Volney Boon, Frank Boon, Earle Boon and Emma Boon, for enrollment as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_.

TRANSCRIPT.NANCY BOON

Office of Commission on Citizenship,  
Tahlequah, C. N. May 20th, 1887.

Docket,	No.	Family,	Names	Age	Sex	Attorney.
	1,		Nancy Boon,	29,	Female,	
	2,		Volney Boon,	7	male,	
	3,		Frank Boon,	5	Male,	Kilgore Texas.
167.	4,		Earle Boon,	3	Male,	
	5,		Emma Boon,	1,	Female,	Applicant for Cherokee Citizenship.
						Census Roll 1835.

Vs,

Cherokee Nation,  
Filed May 20th, 1887.

Ancestor,  
Jesse & Sally May-  
field.

Now on this the 21 day of May 1887 comes the above case for final hearing, and having made application pursuant to the provisions of an Act of the National Council, approved December 8th, 1886, and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission, It is adjudged and determined by the Commission that Nancy Boon, Volney Boon, Frank Boon, Earle Boon, and Emma Boon, are Cherokees by blood and they are hereby readmitted to all the rights and privileges and immunities of Cherokee Citizens by blood.

And a certified copy of said decision of the Commission and of readmission was made and furnished said parties accordingly.  
Henry Eiffert, John T. Adair, Chairman Commission  
Clerk Commission, John E. Gunter, Commissioner,  
D. W. Lipe, Commissioner.

Executive Department, Cherokee Nation,  
Tahlequah, Ind. Ter. Aug. 31st, 1901.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above and foregoing page of typewritten matter is a true and literal transcript of page, 166, Docket, "A" of the Commission on Citizenship for the year of 1887. Said Docket now being a part of the records of this office.

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, the day and year first above written.  
(SEAL)

A. B. Cunningham,  
Assistant Executive Secretary.

-----  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

*J. E. Gunter*  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of November, 1902.

*J. E. Gunter*  
Notary Public.

D 984.

Nancy Boon.

Office Commission on Citizenship.

Tahlequah C. N. May 24th 1887

Nocket No

	Family Names	age	sex	Attorney.
	1, Nancy Boon	29	female	
	2, Volney Boon	7	male	
167.	3, Frank Boon	5	male	
	4, Earle Boon	3	male	
	5, Emma Boon	1	female	

Applicant for

Cherokee Nation.

Census roll 1835.

Ancestor

Jesse & Sallie Mayfield.

Vs,

Cherokee Nation,

Filed May 20th 1887.

Now on this the 21 day of May 1887 comes the above case for final hearing and having made application pursuant to an act of the National Council approved December 8th 1886 and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission it is adjudged and determined by the Commission that Nancy Boon, Volney Boon, Frank Boon, Earle Boon and Emma Boon are Cherokees by blood and they are hereby readmitted to all the rights, privileges and immunities of Cherokee Citizens by blood. and a certificate of said decision of the Commission and readmission and of Readmission was made and furnished said parties accordingly.

Given Henry Eiffert,

Clerk Commission.

J. T. Adair, Chairman

Commission,

John E. Gunter, Commissioner

D.W. Lipe, Commissioner.

(SEAL)

Executive Office Cherokee Nation,

Tahlequah I. T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission on the Cherokee Nation, filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 5th day of December 1900.

B. W. Alberty

Assistant Executive Secretary.

Cherokee Nation.

---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of November, 1902.

  
Notary Public.

PETITION.

To the Honorable Secretary of the Interior,

Department of Interior Washington D. C.

Your petitioner Volney R.

Boon, respectfully and earnestly requests that the case of Nancy Boon be opened for a rehearing to determine the right to citizenship of your petitioner, for the following reasons:-

1. The said Volney R. Boon, is a son of Nancy Boon deceased, and was admitted to citizenship by the Cherokee Citizenship Commission in 1887 while a minor and was not therefore responsible for his nonresidence in the Cherokee Nation.
2. That the citizenship of the said Volney R. Boon has been repeatedly recognized by the Cherokee Nation, and that he participated in the Strip Payment of 1896.
3. That he is a descendant of a Cherokee by blood, who was on the roll of 1880.
4. That the said Volney R. Boon with other minor children of Nancy Boon through their legally appointed guardian, Emely W. Harnage, owned property in the Cherokee Nation in July 1893.

That the said Volney R. Boon, as soon as he was free to choose his place of residence came to the Cherokee Nation and has been here since March 4th 1901, and that he was still a minor when he came to the Nation.

That the said Volney R. Boon has in good faith chosen the Cherokee Nation as his permanent place of residence.

Wherefore your petitioner respectfully asks and requests that his case be given another hearing.

*Volney R. Boon*  
-----  
Petitioner.

Subscribed and sworn to before me this *26th* day of *October* 1903.

*[Signature]*  
-----  
Notary Public

*Craven Harnage*  
-----  
Attorneys for Petitioner.

COMMISSION EXPIRES APRIL 23, 1905.

(3rd term)

*Sublegals*  
*Ind. Ins.*



B711  
Cherokee B-308.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE NATION,  
Tahlequah, I. T. May 23, 1904.

In the matter of the application for the enrollment of Volney, Frank, Earle and Emma Boon as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicants appear by their attorney, J.C. Harnage :  
Cherokee Nation by its attorney W.W. Hastings.

Applicants offer in evidence the original letters of guardianship issued by Watt Starr, judge of the District Court Coowee- scow- wee District on June 28, 1903, appointing Emily W. Harnage as guardian of Volney, Frank, Earle and Emma Boone.

They also offer in evidence bill of sale for certain town lots in town of Fort Gibson, Indian Territory, executed on the 8th day of July, 1893, by Emily W. Harnage to Volney, Frank, Earle and Emma Boone, the minor heirs of Nancy Boon.

Documents will be filed with and made a part of the record in this case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of her stenographic notes thereof.

*Louise Walling*

Subscribed and sworn to before me this  
23rd day of May, 1904

*Simon R. Wallingford*  
Notary Public



DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE  
FIVE CIVILIZED TRIBES AT MUSKOGEE I.T. MAY, 24th, 1904.

SUPPLEMENTAL BRIEF OF APPLICANTS.

In accordance with leave granted by the Honorable Commission, the applicants, by their attorney, submit herewith the following brief.

The contention of the applicants in this case is; That the failure to acquire a residence within the Cherokee Nation, prior to June 28th 1898, defeats the right to citizenship in said nation, does not apply to minors: that the rule laid down in Paragraph Nine Section 21, Act of Congress, approved June 28 1898, ( 30 Stats.495.) is to be construed according to the legal meaning and application of its terms.

The testimony taken in the case disclose the following state of facts.

1. All the applicants were recognized, at various times, by the properly constituted authorities of the Cherokee Nation, to have all the rights and privileges of every other Cherokee by blood residing within the Cherokee Nation,- to-wit, admitted to citizenship May 20th 1884, readmitted May 21st 1887, readmitted in 1896, ( Census Roll Page 1143 #353 and #354, # 355, #356), percapita roll of 1894.)

2. Their non-residence in the nation was not a choice of theirs, since it took place during their minority.

3. Since their mother's death in 1884, they have had a legal guardian in the Cherokee Nation.

4. Through their legally appointed guardian, they acquired town property in the Cherokee Nation and still hold the same.

5. Volney and Frank Boon came to the Nation before reaching their majority March 8th 1901. Volney has resided continuously in the nation since that date-. Frank Boon after about a years residence in the nation enlisted in the United States Army where he now is. The other applicants, Earl and Emma Boon reside in the state of Texas.

The rule under which the applicants were rejected reads as follows, ' No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship.' Approved June 28th 1898.

The rule raises the question of the legal domicile of the applicants at the date of its approval, and the application of the law governing the questions arising thereunder. It contemplates, First, a person having the legal right and the power to enforce that right without a violation of law, Second, that such persons shall <sup>have</sup> establish their legal domicile within the Cherokee Nation prior to June 28th 1898, and the domicile contemplated by the rule has been defined by the courts as follows, 'That place where a man has his true, fixed and permanent ~~home~~ home, and principal establishment, and to which whenever he is absent he has the intention of returning.'

The application of this rule according to its legal significance, does not defeat the rights of the applicants.

1. The domicile of the parents is the domicile of the children, even though the children remain in another state. Dresser V Edison Illuminating Company, 49 Fed. 257. Under the application of this rule it would have been impossible for the applicants to acquire a domicile within the Cherokee Nation unless by parental consent.

2. A guardian cannot change the domicile of the ward out of the state in which he was appointed. 52 Ala. 430. In this case the domicile of the wards followed the domicile of the parents, and the application of the rule would prevent the change of domicile against the parents consent.

The applicants, then in contemplation of law, cannot be held responsible for their residence in the state of Texas during their minority.

3. The law contemplates that only persons sui juris may make a bona fide change of domicile. 5 Pick. 370. Hence the impossibility of a change of domicile before majority unless by consent of parents.

The applicants then come within the rule laid down by the above cited cases, and if by consent of parents they acquired a residence in the nation before majority, they are entitled to be enrolled as citizens of the Cherokee Nation.

The law of domicile, applied to the application of the rule under which applicants were rejected, suspends its operation during minority. They were not persons sui juris contemplated by the rule; they did not have the legal right to acquire a domicile different from that of the parents with the power to enforce that right, and their domicile remained the domicile of the parents until changed at the instance of their parents.

But the applicants case is even stronger than the law would make it. Especially is this so in the case of Volney Boon and Frank Boon. Both Volney and Frank Boon, by consent of parents, acquired a residence in the Cherokee Nation as contemplated by the rule under which they were rejected, before they reached their majority. Earl Boon and Emma Boon still reside in the state of Texas.

THEREFORE, in view of the premises in the case, your applicants, by their attorney, respectfully and earnestly request:

1. That Volney and Frank Boon be enrolled as citizens of the Cherokee Nation, because they acquired the residence contemplated by the rule before reaching their majority, in fact before the law contemplates a change of residence,- Volney still residing in the Nation and Frank serving as a lieutenant in the United States Army in the Phillippines.

2. That Earl Boon and Emma Boon be enrolled as citizens of the Cherokee Nation, because they are still minors and cannot change their residence, unless by consent of parents or guardian.

Respectfully submitted to your Honorable Commission by attorney for applicants.

----- J. L. Harney -----  
Attorney for Applicants

New No. P. 711-

CHEROKEE D. #984.

SUPPLEMENTAL BRIEF FILED

BY

APPLICANTS BY THEIR

ATTORNEY.

\*\*\*\*\*

I hereby acknowledge the  
the receipt of a copy of  
a supplemental brief filed  
by the attorney for appli-  
cants in the case entitled  
Cherokee D. #984.

*W. W. Hargrave*  
Attorney for the  
Cherokee Nation.

\*\*\*\*\*

*W. W. Hargrave.*  
*Attorney for Applicants.*



New No. R-711-

CHEROKEE D. #984.

SUPPLEMENTAL BRIEF FILED

BY

APPLICANTS BY THEIR

ATTORNEY.

\*\*\*\*\*  
I hereby acknowledge the  
the receipt of a copy of  
a supplemental brief filed  
by the attorney for appli-  
cants in the case entitled  
Cherokee D. #984.

W. W. Haskins  
Attorney for the  
Cherokee Nation.

\*\*\*\*\*

W. W. Haskins.  
Attorney for Applicants.

560

Cherokee D 984  
Cherokee R 711

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
Frank Boon as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on December 15, 1900, Thomas J. Adair appeared before this Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of Frank Boon (eighteen years old) as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 14 and June 17, 1902.

The record herein further shows that on July 29, 1902, the Commission rendered its decision denying the application of the applicant herein, which decision was, on August 29, 1902, approved by the Department; that thereafter the Department, in its letter of June 7, 1905, (I.T.D. 2050-1905), rescinded its action of August 29, 1902, and remanded said case, in so far as it relates to Frank Boon, for readjudication.

THE EVIDENCE IN THIS CASE SHOWS: That Frank Boon was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities thereof, on May 21, 1887, and is identified upon the 1894 Cherokee Leased District payment roll and

also upon the 1896 Cherokee census roll. It further appears that said applicant was born in the state of Texas about the year 1882, and continued to reside there until 1898, when he removed to the Cherokee Nation, where he lived about one year, when he enlisted in the United States army, and was, in March, 1902, a soldier in the Phillipine Islands.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Frank Eeon should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 23, 1898 ( 30 Stat., 95), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tame Dixby.*

Chairman

(SIGNED)

*T. B. Needles.*

Commissioner

(SIGNED)

*C. R. Breckinridge.*

Commissioner

Dated at Muskogee, Indian Territory,  
this                      JUN 11 1905

U. S. DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE UN-CIVILIZED TRIBES  
FILED  
1903



COMMISSIONERS  
HENRY L. DAWES  
JAMES BIXBY  
THOMAS B. NEEDLES  
R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. Thomas J. Adair,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of

Volney, Frank, Harle and

Ema Boon

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-288  
Register.

Yours truly,

~~W. H. H. H. H. H.~~  
Acting Chairman.

Commissioner in Charge.

Refer in reply to  
the following:

(COPY)

Land  
45882-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Thomas J. Adair for the enrollment of the following named children, Volney, Frank, Earl and Emma Boon, as citizens of the Cherokee Nation.

The applicants were re-admitted to citizenship in the Cherokee Nation by the tribal authorities May 21, 1887, and their names appear upon the 1894 and 1896 rolls. They did not remove to the Territory prior to June 28, 1898, and with the exception of Frank Boon, at all times remained in Texas. Frank Boon resided in the Cherokee Nation a short time during the latter part of the year 1898.

The Commission declined to enroll the applicants, and the office believes its action was correct. It is therefore respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14414-1902.

J. W. H.

L. R. S.

51742

CMR

I. T. D. 4988-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 29, 1902, you transmitted the record of proceedings had in the matter of the application of Thomas J. Adair for the enrollment of Volney, Frank, Earl, and Emma Boone as citizens by blood of the Cherokee Nation, including your decision of said date refusing to enroll the applicants.

The record shows that these applicants were re-admitted to citizenship in the Cherokee Nation by the tribal authorities May 31, 1887. Their names appear upon the 1894 and 1896 rolls. They did not remove to the Territory prior to June 28, 1898, but Frank Boone resided in the Cherokee Nation a short time during the latter part of the year 1898. In view of the fact that these applicants failed to establish a residence in the Indian Territory prior to June 28, 1898, their enrollment should be refused in accordance with the provisions of section 21 of the act of said date (30 Stat., 495).

August 14, 1902, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department concurs therein and your decision is accordingly affirmed.

Copy of the Acting Commissioner's report is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.  
RMD.

1 inclosure.

D C 7574-1904

DEPARTMENT OF THE INTERIOR,

WCF

I. T. D. 8092-1903

WASHINGTON.

YHE

L.R.S.

January 8, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a petition executed by Volney R. Boon, requesting that a rehearing be granted in the Cherokee citizenship case of Nancy Boon, in order that the rights to citizenship of said Volney R. Boon might be readjudicated.

The name of Volney R. Boon appears as one of the applicants embraced in the application made by Thomas J. Adair for the enrollment of Frank Boon, et al., as citizens of the Cherokee Nation. Volney R. Boon is the only one of said applicants included in the petition for a rehearing.

It appears that said Volney R. Boon was born April 18, 1880; that he was admitted to citizenship in the Cherokee Nation May 21, 1887; that his name appears upon the 1894 and 1896 rolls; that he moved to the Cherokee Nation March 8, 1901, and has made his home in said nation continuously since that date.

In your decision of July 29, 1902, rejecting the applicants, you referred to paragraph 9 of section 21 of the act of Congress

approved June 28, 1898 (30 Stat., 495), which provides that-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

On August 29, 1902, the Department approved your decision.

Your decision in the matter, as well as that of the Department, were rendered under a different interpretation of said paragraph 9 from that expressed by the Department on March 25, 1903, in the Cherokee enrollment case of Ora M. Camp. The Department therefore rescinds its former action in the matter, in so far as it affects Volney R. Boon, and the case is returned to you in order that his rights to enrollment as a Cherokee citizen may be readjudicated in accordance with the decision above mentioned.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

COPY.

Cherokee D-784.  
(R-711).

Muskogee, Indian Territory, December 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of January 8, 1904, I. T. D. 8092-1903, there is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Volney R. Boon as a citizen by blood of the Cherokee Nation, including the Commission's decision dated December 1, 1904, granting said application.

Respectfully,

Encl. L-36.

Through the  
Commissioner of Indian Affairs.

RECEIVED: *Tame Bixby.*  
Chairman.

COPY.

Cherokee R-711.

Muskogee, Indian Territory, December 30, 1904.

G. W. Benge,

Attorney for Volney R. Boon,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 1, 1904, granting the application for the enrollment of Volney R. Boon as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

Encl. L-35.

COPY.

Cherokee R-711.

Muskogee, Indian Territory, December 30, 1904.

Volney R. Boon,

Tahlequah, Indian Territory:

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 1, 1904, granting the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, G. W. Bengé, Tahlequah, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-34.

(SIGNED): *Tams Birby.*  
Chairman.



DEPARTMENT OF THE INTERIOR,

Refer in reply  
to the following:

Land.  
503-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. January 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated December 30, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Volney R. Boon.

December 1, 1904, the Commission decided favorably to the applicant.

The record shows that on December 15, 1900, Thomas J. Adair appeared before the Commission and made application for the enrollment as citizens by blood of the Cherokee Nation of Volney R., Frank, Earl and Emma Boon; that on July 29, 1902, the Commission denied the said application; that on October 29, 1903, Volney R. Boon petitioned the Department to set aside the decision and on January 8, 1904, the Department remanded the case of Volney R. Boon to the Commission to readjudicate his case in accordance with the decision of the Department in the case of Ora M. Carp, et al.

The evidence shows that Volney R. Boon was admitted to citizenship in the Cherokee Nation by the duly constituted authorities on May 21, 1887, and is identified on the Cherokee

strip payment roll of 1894 and the Census roll of 1896.

It further appears that the applicant was born in the State of Texas on April 18, 1880, and resided there until March 8, 1901, when he removed to the Cherokee Nation where he has since resided.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.  
W.

Y.P.

PHB

D. C. 5822-1905. DEPARTMENT OF THE INTERIOR,

I. T. D. 238-1905. WASHINGTON. January 31, 1905.

L R S

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 30, 1904, you transmitted the record in the matter of the application for the enrollment of Volney R. Beon as a citizen by blood of the Cherokee Nation, including your decision of December 1, 1904, granting said application.

Reporting in the matter January 9, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee R-711.

Muskogee, Indian Territory, February 9, 1905.

Volney R. Boon,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1904, granting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 9, 1905.

Respectfully,

SIGNED.

*James E. Fixby*  
Chairman.

COPY.

Cherokee R-711.

Muskogee, Indian Territory, February 9, 1905.

G. W. Tenge,

Attorney for Volney R. Roon,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1904, granting the application for the enrollment of Volney R. Roon as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 9, 1905.

Respectfully,

JAMES BIRBY  
Chairman.

COPY.

Cherokee R-711.

Muskogee, Indian Territory, February 9, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1904, granting the application for the enrollment of Volney R. Boon as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 9, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

Cherokee R-711.

Muskogee, Indian Territory, June 30, 1905.

Thomas J. Adair,  
Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Wm. L. Adair*  
Chairman.

Encl. C-20.

Register.

Cherokee R-711.

Muskogee, Indian Territory, June 30, 1906.

J. L. Harnage,

Attorney for Frank Boon,

Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, granting the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*Wm. B. Bixby*

Chairman.

Encl. C-21.

Register.



COMMISSIONERS:  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.

DEPARTMENT OF THE INTERIOR.

REFER IN REPLY TO THE FOLLOWING:  
Cherokee B-711

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WM. D. BEALL,  
Secretary.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. C-22

  
Chairman.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated June 30, 1905, granting said application.

On August 29, 1902, the Department affirmed the Commission's decision, rejecting, among others, the application for the enrollment of the said Frank Boon as a citizen by blood of the Cherokee Nation, and thereafter, on June 7, 1905, this case was remanded for readjudication as to the applicant herein.

Respectfully,

SIGNED,

James H. Smith

Chairman.

Encl. C-25.

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

Land.  
51385-1905.

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

August 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee nation by Frank Boon.

June 30, 1905, the commission decided favorably to the applicant.

The record shows that on August 29, 1902, the department approved the decision of the commission adverse to this applicant; that thereafter on June 7, 1905 (I.T.D. 2050-1905) the department remanded the case for readjudication.

The record further shows that the applicant was admitted to citizenship in the Cherokee Nation, by the proper authorities thereof, on May 21, 1887, and is identified upon the 1894 Cherokee Leased District payment roll and also upon the 1896 Cherokee Census roll; that he was born in Texas about 1882 and continued to reside there until 1898 when he removed to the Cherokee nation where he lived about one year when he enlisted in the United States army and was in March 1902, a soldier in the Philippine Islands.

In view of the record the approval of the commission's decision of June 30, 1905, favorable to the applicant is recommended.

Very respectfully,

C. F. Iarrabee  
Acting Commissioner.

M.M.N.  
W.

J.P.  
DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.10212-1905.

August 29, 1905.

LRB

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Frank Boon for his enrollment as a citizen by blood of the Cherokee Nation, including its decision of the same date favorable to the applicant.

Reporting August 10, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission to the five Civilized Tribes favorable to the applicant is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

1 inclosure. •

Acting Secretary.

Cherokee  
R-711.

2400  
6000  
Muskogee, Indian Territory, September 13, 1905.

Thomas J. Adair,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of August 29, 1905 (I. T. D. 10212-1905), in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation, is affirmed.

You are further advised that Frank Boon will not be permitted to select an allotment of land in the Cherokee Nation until his name shall have been included in a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

GHL

SIGNED

*Wm. C. Seale*  
Acting Commissioner.

CHEROKEE  
R-711.

COPY.

Muskogee, Indian Territory, September 13, 1905.

J. L. Harnage,

Attorney for Frank Boon,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of August 29, 1905 (I. T. D. 10212-1905), in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Frank Boon as a citizen by blood of the Cherokee Nation, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

Incl. GL-299.  
GHL

(SIGNED).

*Wm O Beall*  
Acting Commissioner.

Cherokee  
R-711.

COPY

Muskogee, Indian Territory, September 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of August 29, 1905 (I. T. D. 10212-1905), in which the decision of the Commission to the Five Civilized Tribes dated June 30, 1905, granting the application for the enrollment of Frank Moon as a citizen by blood of the Cherokee Nation, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

Incl. GL-300.  
GHL

SIGNED:

*M. McBeall*  
Acting Commissioner.

CHEROKEE CASE

No. D-984-B

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

Volney Boon

Frank Boon

Earle Boon

Emma Boon

DEPARTMENT OF THE INTERIOR
AUG 10 1902
Enc. No. 4788
to Gen. Tamm Division.

As citizen of the Cherokee Nation
Department of the Interior
Enc. No. 4788

Muskogee, I. T., July 29, 1902, 190

Respectfully forwarded to the Secretary of the Interior  
for review

Acting Chairman.

297



458x2

47

51742

15336

Cher R 712

Cher R 712

CHEROKEE R 712

(108)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

*W. H. Keeler*

712

AUG 29 1902

APR 4 1904

*Sept. 18, 1905 cancelled.  
And record transferred  
to 10936*

CHEROKEE CASE

No. 3 998

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

Kate Wheeler

Department of the Interior,  
RECEIVED

AUG 15 1902

Enc. No. ...  
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.

MAR 1 1904

As a citizen of the Cherokee Nation

Atskoo, T. T., July 29, 1902, 190

Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman.

Cher R 713

Cher R 713

RECEIVED  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.  
JAN 17 1901

TO THE CHIEF OF BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.  
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS  
JAN 17 1901

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JAN 17 1901

ACTING CHIEF

RECEIVED

17

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
TAHLKUAH, I.T., DECEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF James L. Puckett for enrollment as a citizen of the Cherokee Nation, and ~~he~~ being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A James L. Puckett.  
Q How old are you? A Thirty seven.  
Q What is your Postoffice? A Collinsville.  
Q In what district do you live? A Cooweescoowee District)  
Q Who is it you want to have enrolled? A Just myself: I want to make proof of marriage.  
Q Have you already been applied for? A No sir, I never have.  
Q Are you a Cherokee by blood? A No sir.  
Q White man? A yes sir.  
Q Let me see your marriage license and certificate? A My license have been misplaced, and no record made of them.

Com'r. C. R. Breckinridge: The applicant presents a certificate from the Reverend Leonidas Dobson, to the effect that he performed the marriage ceremony between the applicant and Ara A. Parks, on December 8th, 1883, according to the laws of the Cherokee Nation, regulating marriage between a citizen of that Nation and a citizen of the United States. This is filed herewith.

Applicant files an official certificate from the Assistant Executive Secretary of the Cherokee Nation, showing that the records of Cooweescoowee District disclose no record of the marriage between the applicant and his wife. This is filed herewith.

Q What did you do with your license? A I gave it to the preacher, and he gave them back to the Clerk.  
Q And that is the last you heard of them? A Yes sir.  
Q Who was the Clerk? A John Bullard: Dick Fields was the deputy that issued the license.  
Q You find no record now of any kind? A No sir.  
Q Has your wife been enrolled? A No sir, she's dead. Her children were put on a doubtful list.  
Q Was application made for you at the same time? A It was at Chelsea: I was not there.  
Q Who applied for your wife? A Nobody.  
Q Who applied for the children? A They did; this step child.  
Q How many children have you by this wife? A Just one.  
Q And that one was applied for by one of the step children?  
A yes sir.  
Q Your wife, Ara A. was not born in the Cherokee Nation?  
A Yes sir.  
Q Was she a Cherokee by blood? A Yes sir.  
Q Did she live here all her life? A No sir.  
Q How long did she live here? A She went back to Tennessee about seven years to the best of my knowledge and came back in '81.  
Q Was she readmitted to citizenship by the Cherokee Commission or Council? A No sir.  
Q She is not on the roll of 1880? A No sir.  
Q When did she die? A Died in '90.  
Q Are you on any roll? A No sir.  
Q Have you ever married since your wife's death? A Yes sir.  
Q Whom have you married; a white woman? A No sir, a Cherokee woman.  
Q When did you marry her? A In '93.  
Q Where is your marriage license to that woman? A I just married her as a citizen; did not get any license: I just got a preacher to marry us. I thought I was a citizen.  
Q How old was your wife when she died? A She was about thirty five to the best of my knowledge.  
Q Had she been married before she married you? A She married Parks, that was all.

- Q Was he dead before she married you? A Yes sir.  
 Q Had you been married before you married her? A No sir.  
 Q You have been married only once since she died?  
 A I have been married twice since she died.  
 Q Who was your first wife since this wife, Ara A. died?  
 A Anna Wassyx was her maiden name.  
 Q Was she a Cherokee woman? A Yes sir.  
 Q Is she dead? A Yes sir.  
 Q Did she die before you married your last wife? A Yes sir.  
 Q What is the name of your last wife? A Peachy Ellen Fagan., was her maiden name.  
 Q Is she living? A Yes sir.  
 Q Are you living with her? A Yes sir.  
 Q You have never separated from her? A No sir.

By Mr. J. L. Naugh, Cherokee Representative:

- Q Where did your wife marry Parks? A In Tennessee.  
 Q Where were these children born; her children? A In Tennessee.  
 Q She had reached her majority when she came back to this country?  
 A Yes sir.  
 Q She never applied to the Cherokee Council for readmission?  
 A I do not think she did.

Com'r. C. R. Breckinridge:

- Q Was her husband, Parks, dead when she came back here? A No sir, he came here and died here: He was a North Carolina Cherokee.  
 Q How many of these children by this husband, Parks, are living now? A Two.  
 Q What are their names? A Mary E. Trickey now; she's married.  
 Q What is the other one? A Susie Parks.

Com'r. C. R. Breckinridge: The applicant applies for enrollment as an intermarried Cherokee: He is a white man: He files a certificate of marriage, showing that he was married December 8th, 1883, but he has no copy of his marriage license, and an official certificate filed herewith shows that there is no copy of record. It appears that his wife spent a number of years in the State of Tennessee, and a considerable time after reaching her majority, came back to the Cherokee Nation, but was never readmitted by the Cherokee Authorities: The applicant himself has married twice since the death of his first Cherokee wife: He is not upon any roll of the Cherokee Nation, and no ground is seen upon which he can be enrolled at this time, but giving him the benefit of every doubt that can exist in the case, he will for the present be placed on a doubtful card.

(Copies of this testimony will be placed in the applications for the enrollment of Mary E. Trickey, "D" #808, and Susie Parks, "D", #840, said to be daughters of the applicant's wife, Ara A.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of January, 1901.

COMMISSIONER.



10

B

10  
N TO THE FIVE  
FILED  
DEC 17 1900

ES.

*[Handwritten signature]*

AND CHAIRMAN

## CHEROKEES BY BLOOD AND ADOPTION.

37 James L. Puckett

Date DEC 17 1900

Collinsville, 29

District ..... Year ..... Page ..... No. ....

Citizen by blood . . . . . Mother's citizenship . . . . .

Intermarried citizen ☒ *U.S.*

Married under what law ..... Date of marriage .....

**License** \_\_\_\_\_ **Certificate** \_\_\_\_\_

Wife's name .....

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood..... Mother's citizenship.....

**Intermarried citizen**.....

Married under what law ..... Date of marriage.....

**License** \_\_\_\_\_ **Certificate** \_\_\_\_\_

**Names of Children:** \_\_\_\_\_

Dist. . . . . Year . . . . . Page . . . . . No. . . . . Age . . . . .

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. .... Year ..... Page ..... No. .... Age .....

..... Year ..... Page ..... No. .... Age .....

Year..... Page..... No..... Age.....

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Age \_\_\_\_\_

Dist.            Year            Page            No.            Age           

Dist. . . . . Year . . . . . Page . . . . . No. . . . . Age . . . . .

Dist. . . . . Year . . . . . Page . . . . . No. . . . . Age . . . . .

1009

PROFESSOR

*[The following text is extremely faint and largely illegible due to poor scan quality. It appears to be a document page with multiple lines of text.]*

R.

C. D-1009.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James L. Puckett for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that this case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

MR. HASTINGS: There is no record in this testimony anywhere that shows that his second wife was a citizen of the Cherokee Nation, and it is therefore contended that he has forfeited his citizenship by intermarrying with her.

-----

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Cherokee D-1009.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900 James L. Puckett appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

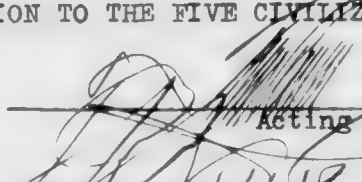

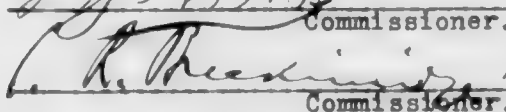
The evidence shows that on December 8, 1883, the applicant, a white man, was married to Ara A. Parks, whom he claims was a native Cherokee; but there is no record evidence showing that he married her under a Cherokee license and in accordance with the laws of the Cherokee Nation.

The evidence further shows that the said wife of this applicant was born in the Cherokee Nation about the year 1860, but afterwards removed to and became a bona fide resident of Tennessee. There she married one, Parks, and lived in said State with him for seven years, during which time two children were born unto her. She returned to the Cherokee Nation in 1881, being at that time of full age, and continued to reside therein until her death in 1890. Neither this applicant nor his said wife (Ara A.) are identified on any tribal roll of said Nation, nor does it appear that she was ever admitted to citizenship, or in any manner recognized as a citizen, of the Cherokee Nation by the tribal authorities thereof.

It further appears that after the death of his said wife, the applicant was twice married, each time to an alleged Cherokee woman; but it is not shown that he was ever married to a recognized citizen of the Cherokee Nation under a Cherokee marriage license, and in accordance with the tribal laws of said Nation.

It is therefore the opinion of this Commission that the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 1902 .

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
NOV 10 1902

10000.

This is to certify that I Leonidas Dobson did on the 8th day of December A. D. 1885 solemnize the rites of Matrimony between James L. Pickett and Mrs. A. Parks according to the laws of the Cherokee Nation regulating Marriage between citizens of said Nation and citizens of the United States.

Leonidas Dobson,  
Minister of the Gospel.

---000---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

RECORDED IN THE OFFICE OF THE  
CLERK OF THE DISTRICT COURT  
AT THE CITY OF MEMPHIS  
D1009.

This is to certify that I Leonidas Debson did on the 8th day of December A. D. 1883 Solemnize the rites of Matrimony between James L. Puckett and Ara A. Parks according to the Laws of the Cherokee Nation regulating Marriage between citizens of said Nation and citizens of the United States.

Leonidas Debson,  
Minister of the Gospel.

-----  
---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 8th day of November, 1902.

  
Notary Public.

I the Undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in

Muskogee, I. T.,  
 Commission to the Five Civilized Tribes,  
 Department of the Interior,

-----

Cherokee Nation.  
 Assistant Executive secretary.  
 B. W. Alberry

15th day of December 1900.

Given under my hand and seal of the Cherokee Nation, this the  
 custody.  
 1883, but fail to find any record of the marriage or marriage license  
 States to Mrs. A. A. Parks, a Cherokee, alleged to have been in  
 record of the marriage of J. I. Pugh, a citizen of the United  
 marriage record of Coweeseoos District Cherokee Nation to find the  
 of the Cherokee Nation do hereby certify that I have examined the

T. I. T.

EXECUTIVE OFFICE CHEROKEE NATION,

D1003.

2091 01

COMMISSION TO THE FIVE CIVILIZED TRIBES



D1009.

EXECUTIVE OFFICE CHEROKEE NATION,

TAHLEQUAH I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that I have examined the marriage record of Coowascoowsee District Cherokee Nation to find the record of the marriage of J. L. Puckett, a citizen of the United States to Mrs. Ara A. Parks, a Cherokee, alleged to have been in 1883, but fail to find any record of the marriage or marriage license, the said marriage record has been filed in this office and is in my custody.

Given under my hand and seal of the Cherokee Nation, this the 15th day of December 1900.

(SEAL)

B. W. Alberty  
Assistant Executive Secretary.  
Cherokee Nation.

---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the Undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 8th day of November, 1902.

  
Notary Public.

United States of America  
Indian Territory Cherokee Dr 1009  
Northern District,  
James L Puckett,  
V S  
The Cherokee Nation.

comes now James L Puckett, aplicant in the above entitled cause and moves the Hon. Secritary of the Interior, to set aside his ruling oomfirming the decission of the Dawes Commission, rejecting him as a citizen of the Cherokee Nation, and remand said cause with instructions to the Hon. Commission to the Five civilised tribes to grant him a new hearing.

and for grounds of said motion aplicant states that on the 14th day of March 1902 the same being the date set for final hearing in the above entitled cause he was sick and unable to appear before the commission at Muskogee or procure the attendance of his witnesses that he could have proved by Rev.Dave Allin, of Ft.Gilson I T that he the said Dave Allin, circulated the Petition and procured the petitioners, required by the Cherokee law for the Clerk of Cooweescoowee District Cherokee Nation to issue the liscens, to your petitioner and Mrs.Ara A Parks,who was a cherokee Indian by blood,

that he can prove by Rev. Leonidas Dobson, that he officiated at the time said aplicant was married to said Ara A Parks, and that he acted under a Liscens issued By John Bullett, Clerk of Cooweescoowee District Cherokee Nation, By Dick Fields, Deputy Clerk.that said liscens were returned to said Deputy Clerk By said Dobson, it is therefore no fault of your petitioner that said marriage does-not appear of record and his right to Citizenship should not in any way be effected by reason of the negligence of the Clerk of the Court of Cooweescoowee District!

your petitioner further states that his is not the onley case in which the Clerk of said District misplaced Marriage liscens and thereby caused the contracting parties trouble in establishing their marriage,

Your petitioner further states that he was recognized by the Cherokee officials as a Citizen of the Cherokee Nation, as will fully appear be reference to letters of Guardianship issued By Wat Starr, Judge of the District Court of Cooweescoowee District, and Letters of Administration,

Issued by said Wat Starr, Judge of Cooweescoowee District Cherokee Nation, to administer on the estate of the said Ara A Puckett, formally Ara A Parks, who was your petitioners first wife, and the woman he claims the right to citizenship through the marriage of. It is shown clearly that the Cherokee Court recognised said Ara A Parks, As a Citizen of the Cherokee Nation or they would not have issued letters of administration to her husband on her estate or letters of guardianship to your petitioner for his step children, Mary E and Susan Parks, Your petitioner further shows that the Cherokee Courts recognised him as a Cherokee Citizen by filing herewith a copy of a commission issued by Neal Ward, Sheriff of Cooweescoowee District to summons Witnesses?, for the Court of said District, a Copy of said letters of administration and guardianship and commission are herunto attached and made a part of this motion,

Your petitioner further states that on the - day of November 1891 he was married to Annie Cornlase, whose maiden name was Annie Wasse, whose name appears on the Cherokee Roll of 1880, that on the - day of May 1893 he was married to Mrs Peach E Taylor, whose maiden name was Fagan, who was re-admitted to citizenship in the Cherokee Nation in 1883. that your petitioner has been married to three Cherokee women, the first ~~one~~ of whom died before his marriage to the second and the second one died before his marriage to his present wife, the only question raised as to your petitioners rights to citizenship is as to his first marriage according to the Cherokee law, and that proof can and will be furnished if this petition is granted,

Wherefore Your petitioner respectfully moves the Hon. Secretary of the Interior to set aside his former ruling in the above entitled cause and grant him a new trial,

Sworn to and subscribed before me this 1st day of May 1904

Notary Public.

COMMISSION EXPIRES APRIL 13, 1905 (3 Terms)

Letters Of Guardianship.

Cherokee Nation,

Cooweescoowee District.

Office of District Judge,

~~Cooweescoowee District.~~

To all whom it may concern;

know ye, that I Watt Starr, Judge of the District Court of the District and Nation aforesaid, do, by ~~virtue~~ virtue of authority in me vested by law, this day make constitute and appoint in the name and by the authority of the Cherokee Nation, James L Puckett, as Guardian of Mary E and Susan Parks minor children of Arie Puckett, Deceased, late of Cooweescoowee District, Cherokee Nation, the said James L Puckett, having complied with and performed all duties required by law of him precedent to this appointment.

In testimony whereof, I hereunto set my hand on this the 25 day of April 1891

Watt Starr, Judge District court.

Attest H H Trott  
Clerk Cooweescoowee District.  
By W C Chambers, Depty.

*Copy*

Letters of Administration.

Cherokee Nation,

Cooweescoowee District.

office of ~~the~~ District Judge,

Cooweescoowee District.

To all whom it may concern;

Know ye, that I, Watt Starr, Judge of the District Court and Nation aforesaid, do, by virtue of authority in me vested by law, this day make, constitute and appoint in the name and by authority of the Cherokee Nation James L Puckett, Admr. of the estate of Aris Puckett, Deceased, ~~late~~ late of Cooweescoowee District Cherokee Nation, the said J L Puckett, having complied with and performed all the duties required by the law of him precedent to this appointment,

In testimony whereof, I hereunto set my hand on this the 2nd. day of Sept. A.D. 1890

Watt Starr,  
Judge District Court of Cooweescoowee  
District C.N.

Attest, H H Trott, Clerk District aforesaid.

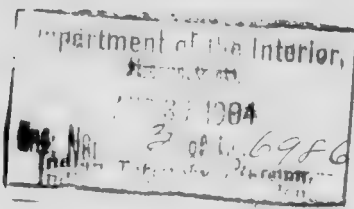
*Copy*

June 8th 1898

This certifies that I have this day appointed Lewis Puckett,  
to serve supeanies. for circuit cort which convened June 6- 1898  
J O Ward, Sheriff Cooweescoowee District.  
by J W Leach, Dept.

---

*Copy*



Indian Office, 1904  
56060

Incl. No.

James P. Pickett, Jr.

Application for  
enrollment as  
a citizen of the  
Cherokee Nation  
by Adoption

Notice to  
W H Hastings  
Atty for the Cherokee  
Nation

Enc 528

United States of America,  
Indian Territory, Northern Judicial District, SS.

In Re Cherokee #D. \_\_\_\_\_.

James L. Puckett, applicant for enrollment as a citizen of the Cherokee Nation by adoption.

To the Honorable W. W. Hastings, Attorney for the Cherokee Nation:

Your are hereby notified that the original, of which the attached is a copy, will be filed with the Honorable Commission to the Five Civilized Tribes, on the 2nd day of August, 1904, and that said commission will be asked by petitioner to forward the same to the Honorable Secretary of the Interior, at their earliest convenience, and that the Secretary of the Interior will be asked by petitioner to set aside the former ruling, sustaining the decision of the Dawes Commission in the above entitled cause and that said cause be remanded by the Honorable Secretary of the Interior to the Commission to the Five Civilized Tribes and that petitioner be granted a new hearing in said cause.

James L. Puckett  
Petitioner.

B. J. Cox  
Attorney for Petitioner.

Robert McPherson, ~~James L. Puckett~~, being by me first duly sworn, says that he served the foregoing notice on the said W. W. Hastings, attorney for the Cherokee Nation, on the ~~1st~~ day of August, 1904, by on that day delivering to the said W. W. Hastings, a true copy thereof, in the city of Tahlequah, Indian Territory.

Robert M. Pherson  
not

Subscribed and sworn to before me this the 2nd day of August, 1904.

C. E. Drake  
Notary Public.

My Commission Expires on the 17th day of May, 1908.



I, ..... do solemnly swear that I am ..... years  
of age, and that on the ..... day of ..... 190....., in the .....  
Nation, Indian Territory, I served the within Subpoena on the within named .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... day of ..... 190.....

No. ....  
SUBPOENA.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
In the matter of the .....

FILED  
FEB - 1905  
COMMISSION TO FIVE TRIBES

COPY.

22

Department of the Interior,

Commission to the Five Civilized Tribes.

ToX *For David Allen. For Scoville Tolson*

X

X

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at  
*Muskogee* in the *Creek* Nation, Indian  
Territory, on the *32nd* day of *February*, 190*5*, to testify before said Commission  
in the matter of the application for the Enforcement of

*James L. Pickett as a citizen by intermarriage of the Cherokee Nation*  
Dated at *Muskogee* this *16* day of *January*, 190*5*.

SIGNED

*Tamm Parby.*

Commissioner.

*Devon occupied;*

*Jan 26th 1905. J. V. Allen*

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, February 2, 1905.

-----

In the matter of the application for the enrollment of  
James L. Puckett as a citizen by intermarriage of the Cherokee  
Nation.

-----

APPEARANCES:

Applicant appears by Samuel F. Parks.  
Cherokee Nation represented by W. W. Hastings.

-----

James L. Puckett, being duly sworn, states as follows:

By Mr. Parks:

- Q Are you the applicant in this case? A Yes, sir.
- Q You appeared before the Commission before did you not? A yes, sir.
- Q You are a married man? A Yes, sir.
- Q To whom were you married the first time? A Mrs. Ara Parks.
- Q Was she a citizen of the Cherokee Nation? A Yes, sir.
- Q Had she been married prior to the time that you married her?
- A Yes, sir.
- Q When did you marry Ara A. Parks? A In '83.
- Q Did you comply with the Cherokee laws governing the marriage of whites with Cherokee Indians? A Yes, sir.
- Q Did you procure a license under the Cherokee law to marry Ara A. Parks? A Yes, sir.
- Q Did you procure a petition signed by ten citizens before you got your license? A Yes, sir.
- Q What did you do with your petition? A I gave it to the Clerk.
- Q Clerk of what? A Clerk of Cooweescoowee District.
- Q Do you know who the Clerk of Cooweescoowee District was at that time? A John Bullette.
- Q After your marriage to Ara A. Parks what became of your license?
- A I gave them to the Preacher.
- Q What preacher? A Rev. Dobson.
- Q You say you gave the license to Rev. Dobson? A Yes, sir.
- Q Do you know what he did with it? A Only what he told me, he gave them back to the Deputy Clerk, Dick Fields.
- Q Were those licenses that you gave to Rev. Dobson, were they recorded by the District Clerk of Cooweescoowee? A I guess so.
- Q Who got up the petition for your license? A Dave Allen.
- Q Who is Dave Allen? A A preacher now at Ft. Gibson.
- Q Did Mr. Allen secure the signatures of citizens of the Nation under the Cherokee law before your licenses were procured?
- A Yes, sir.
- Q Were those papers that you spoke of as being lost—was this petition among those papers? A Yes, sir. I never seen it any more.
- Q Have you made an effort to get a certified copy of those records from the Executive Department of the Cherokee Nation? A Yes, sir.
- Q Have you been able to get that record? A No, sir.
- Q Do you remember the name of any of the signers of your petition?
- A I remember Bill Chamberlin, Arthur Chamberlin, Charlie Purcell, and Bob Ironsides.
- Q How long did you live with Ara Parks? A From 1883 to 1900.
- Q What became of her? A She died in '90.
- Q How many years before her death had you lived with her?

A Seven years.

Q I will ask you if at any time during the time you lived with Ara Parks as husband and wife you had any dealings with any of the authorities of the Cherokee Nation, or did the authorities of the Cherokee Nation recognize you as an intermarried citizen in any capacity?

Objected to by Mr. Hastings as incompetent, irrelevant and immaterial and not the proper way to prove that.  
Objection noted.

A Why I voted.

Q You voted at the Cherokee elections? A Yes, sir,

Q How many times, do you remember? A I voted every time.

Q After her death were you married again? A Yes, sir.

Q To whom? A Annie or Lucy Corntassle, her maiden name was Wassee.

Q Was she a single woman or a married woman? A She was a widow.

Q Do you know what her husband's name was? A Bill Corntassle.

Q Do you know whether she and Bill Corntassle had any children or not? A They had one.

Q Do you know its name? A Ida Corntassle.

Q What was Lucy Corntassle's citizenship? A She was a Cherokee full blood.

Q Do you know whether she had always lived here or had she been admitted since 1880 or not? A She had been here all the time, lived here.

Q She was here in 1880? A Yes, sir.

Q Do you know whether she is on the 1880 roll or not? A I don't know only what I just said.

The roll of 1880 #2995 shows the name of William Tassle 26 years of age. #2996 Lucy Tassle 22 years of age and #2997 Ida Tassle 5 months old in Cooweescoowee District.

Q Is this the Lucy or Anna Tassle that you speak of as being your second wife and being the widow of William Tassle? A Yes, sir.

Q At the time of your marriage to Anna Corntassle did she have any children by her husband William Corntassle. A She had one,

Q Was it a boy or girl? A Girl.

Q What was its name? A Ida.

Q What was its age? A About 12 years old.

Q How long did you live with this wife? A About a year.

Q What became of her? A She died.

Q At the time of your marriage to Anna Tassle or Corntassle was she a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Since her death have you married again? A Yes, sir.

Q To who were you married the last time? A Peachy Ellen Fagan.

Q Was she a recognized citizen of the Cherokee Nation at the time you married her? A

Objected to by the Cherokee Nation as being incompetent, irrelevant and immaterial and not the proper way to prove citizenship.

Objection noted.

Q Was she a citizen of the Cherokee Nation at the time of your marriage? A Yes, sir.

Q At the time you married Peachy Ellen Fagan had she been married prior to that time? A Yes, sir.

Q To whom? A John Taylor.

Q Had your last wife resided in the Cherokee Nation continuously before your marriage to her or do you know? A She has since she was admitted in '83.

- Q Did you say she was readmitted to Cherokee citizenship in 1883?  
A Yes, sir.  
Q By what authority or court or commission? A The Cherokee Commission over at Tahlequah.  
Q Have you any certificate of her readmission? A Yes, sir.  
Q Lets see it.

BY THE COMMISSION: It appears that the name Lucy Tassle appears upon the 1880 roll, Cooweescoowee District opposite #2986. The present wife of the applicant appears upon the final schedule of citizens by blood of the Cherokee Nation opposite #121415, approved by the Secretary of the Interior

By the Commission:

- Q What is your name? A Samule F. Parks.  
Q Where do you live? A Vinita.  
Q How old are you? A 33  
Q Are you a Cherokee by blood? A Yes, sir.  
Q Are you acquainted with the applicant in this case? A Yes, sir.  
Q How long have you known him? A 12 or 15 years.  
Q Were you acquainted with his former wife, Ara A. Parks? A Yes.  
Q You knew her during her lifetime? A Yes, sir, that is a portion of her lifetime.  
Q Do you know what nationality she was? A Yes, sir.  
Q What was she? A She was a Cherokee.  
Q Did she live in the Cherokee Nation at the time of her marriage to the applicant? A Yes, sir.  
Q Do you know where she was born and raised? A Nothing only hearsay.

Q What is your understanding about it? A She went from the Cherokee Nation to Tennessee with her father and while there her father died and left her there and my uncle Calvin Parks married her and brought her to the Cherokee Nation in 1881.

- Q She is related to you by marriage? A Yes, sir.  
Q What was her maiden name? A Ara Hildebrand.  
Q Do you know whether she has any people in the Cherokee Nation or not? A Yes, sir.  
Q Relatives of hers by blood? A Yes, Hildebrands up by Chelsea old man Hildebrand is her uncle. Her father was a prospector and Miner who took her back there and was looking for gold but he died and left her in Tennessee. I was a small boy 10 or 12 years old, but he died and left her there at my grandmothers and Uncle Calvin married her and we all came to this country at the same time in '81. We came as North Carolina Cherokees and Uncle Calvin and Aunt Ara came and settled southwest of Vinita 7 or 8 miles and Uncle Calvin died there. They had two children then, Mary Parks and Susan Parks.

- Q What became of these children? A They are living in the Cherokee Nation now.  
Q They have been enrolled by this Commission? A Yes, sir. I want to make a reference to the case of Mary F. Trickey #10161 now in the hands of the Commission and ask that the testimony in her case be used in this case, for the reason that Mary F. Trickey is the daughter of Ara A. Hildebrand or Ara A. Parks, the wife of the applicant, the first wife of the applicant; the Hildebrands and my father and other witnesses having testified in this case. That is the reason for calling attention to the case and ask that it be considered.

By the Commission: The testimony in the case of Mary F. Trickey #10161 will be filed with and made a part of the records in this case.

By Mr. Hastings:

Q Have you examined the records of the Cherokee roll of 1880 and 1886 or any other rolls that have ever been approved by the Secretary of the Interior to see whether or not Ara A. Parks is on that roll? A I understand she went on the 1880 roll but she died before the 1886 roll.

By the Commission:

You claim that Ara A. Parks appears upon the 1883 pay roll? A Yes and the next two.

By Mr. Hastings:

Is it the contention that the wife of the applicant here was a Cherokee by blood and came to this country under the invitation known as the invitation of the North Carolina Cherokees and is on the roll of 1883? A The contention of the applicant is that Ara A. Parks, afterward his wife of the applicant was a Cherokee Indian and that she never did do anything that would affect her citizenship as a Cherokee Indian. She was taken to the state of Tennessee by her father, and by this act she would not effect her citizenship and even if she did her return after the last invitation extended to the North Carolina Cherokees ———

By the Commission:

Q There never was any act of the Cherokee Council ever readmitting her as a citizen after her return from Tennessee? A No, sir, there was not.

Witness excused.

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 2nd day of February and that the above is a full, true and correct transcript of her stenographic notes thereof.

*Opal Griggs*

Subscribed and sworn to before me this 30th day of March, 1908.

*Lucia O. Case.*

Notary Public.

*My commission expires Mar 14-1909.*

**FILED**  
APR - 6 1905  
**COMMISSION TO FIVE TRIBES.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, March 30, 1906.

-----

In the matter of the application for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation. This case remanded by the Secretary of the Interior.

-----

Cherokee Nation represented by Mr. Davenport.

COMMISSION.

Applicant had no attorney.

-----

S. G. Wills, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. S. G. Wills.
- Q. Are you a citizen of the Cherokee Nation? A. By marriage.
- Q. Do you know the applicant, James L. Puckett? A. Yes sir.
- Q. How long have you known him? A. About 22 years.
- Q. What do you know about his marriage? A. I know he was married, the first time, according to the Cherokee law. I helped to get up the petition.
- Q. Did you take the petition around yourself? A. Yes sir, me and Mr. Paris took it around together.
- Q. What became of that petition? A. It was turned over to the Clerk of the Court when he got his license.
- Q. Who was the Clerk to whom the petition was turned over? A. Dick Fields. He was Clerk of Coowescoowee District, at Vinita.
- Q. When was that? A. In '83.
- Q. What time of the year? A. Late in the fall or early winter.
- Q. The last time you saw the petition was it made up and signed by the requisite number? A. Yes sir.
- Q. Did you take it yourself to the Clerk? A. I think Mr. Paris carried it to the Clerk.
- Q. Where was all this done? A. At Vinita.
- Q. The petition was signed at Vinita? A. Yes sir.
- Q. Do you know anything about Puckett previous to then? A. I knew him along in the summer previous to that time.
- Q. What was the name of his Cherokee wife? A. She was the widow Parks.
- Q. What was her first name? A. I don't remember. She had been married to a man by the name of Parks and he had died.
- Q. How long had you known her prior to her marriage to Puckett? A. A couple or three months.
- Q. Have you known them ever since? A. Yes sir, until she died



- a few years after that.
- Q. Did they live together as husband and wife up until her death?  
A. Yes sir.
- Q. Where did they live? A. I don't think they were ever out of Cooweescoowee District.

MR. DAVENPORT:

- Q. Do you know anything about whether Mrs. Parks had ever been readmitted to citizenship after her coming from Tennessee? A. No sir.
- Q. Were you at the wedding? A. I was a little too late.
- Q. You don't know that she was ever readmitted? A. No, I don't know.

COMMISSION:

- Q. You know nothing of her previous to two or three months prior to this marriage? A. No sir.

WITNESS EXCUSED.

Frank Paris, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Frank Paris.
- Q. How old are you? A. I am 46 years old.
- Q. What is your post office address? A. Chelsea.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. On the final roll? A. Yes sir.
- Q. Do you know the applicant? A. Yes sir.
- Q. How long have you known him? A. A good while-- I can't say just how long.
- Q. Do you remember the time he was married? A. Yes sir.
- Q. Do you know whether he procured a Cherokee license or not? A. I signed the petition and took it around-- me and Mr. Wills.
- Q. Was it signed by the requisite number of citizens? A. Yes sir.
- Q. What did you do with the petition? A. Turned it over to Dick Fields. He was the Clerk of the Court.
- Q. Did you know his wife? A. Not very well.
- Q. Do you know whether he was married under that license? A. No, I couldn't say.
- Q. Were you present at the marriage? A. No sir.
- Q. All that you know about this marriage is that you went around with this petition, and that you filed the petition with the Clerk at Vinita? A. Yes sir.

WITNESS EXCUSED.

Mr. Wills recalled.

COMMISSION:

- Q. You stated just now that you took this petition to the Clerk of the Court? A. Yes sir.

- Q. Do you know whether the marriage license was issued? A. Yes sir, they were.
- Q. You are positive of that? A. Yes sir.
- Q. Do you know whether the regular fee was paid? A. I don't know about that, but I think it was.

WITNESS EXCUSED.

Mr. Paris recalled.

COMMISSION:

- Q. Do you know whether they were married or not? A. We got to the house too late for the ceremony, but I suppose they were married.
- Q. They looked like they had been married, did they? A. Yes sir.
- Q. Do you know that they lived together after that? A. I never was at the house again, but everybody said they lived together

WITNESS EXCUSED.

James L. Puckett, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. James L. Puckett.
- Q. Did you have any children? A. Yes sir.
- Q. What are their names? A. Fannie Puckett is the oldest one that is living.
- Q. What is her name now? A. Fannie Osborn.
- Q. Is she on the final roll? A. Yes sir.
- Q. Is she your daughter by Ara A. Parks? A. Yes sir.
- Q. Was Ara A. Parks your first wife? A. Yes sir.
- Q. Were you her first husband? A. No sir.
- Q. How many times had she been married? A. Once.
- Q. To whom had she been married? A. G. N. Parks.
- Q. Was he dead at the time you married her? A. Yes sir.
- Q. The two previous witnesses testified that they took the petition to the Clerk, Dick Fields. Is Dick Fields living? A. No sir.
- Q. When did he die? A. I don't know. It has been 8 or 9 years ago.

WITNESS EXCUSED.

Eula James Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 28th. day of March, 1906, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula James Branson*

Subscribed and sworn to before me this 10th. day of April, 1906.

*Myron White*

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 17, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The record further shows that on July 16, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation. On August 19, 1902, said decision was duly affirmed by the Department. Thereafter, on November 16, 1904, (Departmental letter I.T.D. 6886-1904), this case was remanded by the Department for further testimony, and supplemental testimony was taken at Muskogee, Indian Territory, on February 2, 1905, and March 30, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, James L. Puckett, is a white man, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage, on December 8, 1883, to his wife, Ara A. Puckett, formerly Parks, nee Hilderbrand, whom he claims was a native Cherokee; there is no record evidence showing that the said James L. Puckett and Ara A. Puckett were married under a Cherokee license and in accordance with the laws of the Cherokee Nation. The applicant cannot be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office.

The said applicant did not marry in accordance with Cherokee law a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 2, 1906, in the cases of Daniel Red Bird, et al., vs the United States, Nos. 125, 126, 127 and 128, the said applicant, James L. Puckett, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_

  
Commissioner.

1009

MISSOURI STATE ARCHIVES  
FILED  
1992

COMMISSIONERS:

HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH  
SECRETARY

Muskogee, Indian Territory,

February 26,

1902.

Mr. James L. Puckett,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-1009  
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

Cherokee D-1009.

Muskogee, Indian Territory, July 16, 1902.

James L. Puckett,

Collinsville, Indian Territory.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrolment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rejecting your said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

No. H-14.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-15.

Cherokee D-1009 .

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

*James Birby.*

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 inclosure.  
H-16.



Refer in reply to  
the following:  
Land  
42718--1902.

(COPY)

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission, dated July 16, 1902, transmitting the record relative to the application of James L. Puckett for enrollment as an intermarried citizen of the Cherokee Nation. July 16, 1902 the Commission found that the applicant was not entitled to enrollment as an intermarried citizen of said nation.

The record in this case shows that on December 8, 1883 the applicant, a white man, was married to Ara A. Parks, an alleged citizen of the Cherokee Nation; that his said wife was born in the Cherokee Nation about 1860; that she removed to the State of Tennessee; that while residing there she was married to a man by the name of Parks and lived in that State with said Parks for seven years; that in 1881 she removed to the Cherokee Nation, and continued to reside therein until her death in 1890. The name of the applicant or the name of his wife does not, the records show, appear on any of the tribal rolls of the nation, neither were they admitted to citizenship, so far as the record shows, in said nation.

The record also shows that subsequent to the death of his wife, James L. Puckett, the applicant, married Anna Wassyx, a citizen of the Cherokee Nation; and that his first wife died prior to the time he married his second wife. After the death of his

second wife Anna Puckett nee Wassyx, the applicant married Peachy Ellen Fagan, and that he was at the date of his application living with her. Leonidas Dobson, a minister of the gospel, certified that he solemnized on December 8, 1883 the rights of matrimony between James L. Puckett and Ara A. Parks. The assistant executive secretary of the Cherokee Nation certifies that he has examined the records of said nation relative to marriage licenses, and has been unable to find any record of said marriage or the issuance of a license therefor.

This applicant the record shows was notified on February 28, 1902 that his application for enrollment would be finally considered by the Commission on March 14, 1902, and that he might appear and introduce further testimony affecting the same. It also shows that he did not appear. The Attorney for the Cherokee Nation states that there is no testimony showing that his second wife was a citizen of the Cherokee Nation, and the nation therefore contends that he forfeited his citizenship by intermarrying with her. With this position the office does not agree. The testimony relative to his second marriage is in part as follows. "Q. Who was your first wife since this wife, Ara A. died? A. Anna Wassyx was her maiden name. Q. Was she a Cherokee? A. Yes sir."

This testimony is not contradicted and it therefore stands. There is, however, no testimony which shows or tends to show whether his present wife is or is not a citizen of the Cherokee Nation, and he was not asked any question pertaining to her citizenship.

Inasmuch as the office believes that the examination is

defective in this particular, and that the citizenship of his present wife should be shown, it respectfully recommends that the decision of the Commission rejecting the applicant be not approved at this time, and that the case be remanded with direction to the Commission to determine whether the applicant's present wife is a citizen of the Cherokee Nation. The record does not show whether the applicant's present wife was married prior to her marriage to him, and this fact should also be shown, and if she was married prior to their marriage it should be shown whether she was married to a citizen of the Cherokee Nation or a non-citizen.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

1  
151009  
D. C. No. 13624-1902.

J. P.

L. R. S.

49699

EAF.

ITD. 4773-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 16, 1902, you transmitted the papers in the matter of the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, - D 1099.

You rejected the application July 16, 1902, stating that it was shown that in 1883 the applicant, a white man, was married to Ara A. Parks, claimed to be a Cherokee by blood; that there is no record evidence showing that he married this woman under Cherokee law; that his wife was born in the Cherokee Nation in 1860; that she removed to Tennessee where she married Parks, and lived there seven years; that she returned to the Cherokee Nation in 1881, being at that time of full age, and remained there until her death in 1890. Neither the applicant or this wife is identified on any tribal roll of said nation, nor does it appear that she has been recognized as a citizen. After the death of this wife the applicant was twice married, each time to an alleged Cherokee woman, but it is not shown that he was ever married to a recognized citizen of said nation under a Cherokee marriage license and in accordance with Cherokee law.

Reporting in the matter August 5, 1902, the Acting Commissioner states that there is no testimony which shows, or tends to show, whether applicant's present wife is or is not a citizen of the Cherokee Nation. He recommends that the case be remanded as he believes the examination is defective, and that the citizenship of the present wife should be shown, and that it should also be shown whether the applicant's present wife was married prior to her marriage to him, and if she was married prior to that marriage it should be shown that she was married to a citizen of the Cherokee Nation, or a non-citizen.

The Department does not concur in this recommendation. While the testimony is unsatisfactory in the manner in which the questions were asked, it is apparent that Puckett appeared relying upon his first marriage, and that he was aware that he was not entitled to citizenship by virtue of either his second or third marriage. The Department concludes that the wife he mentioned as having married in 1893 was his last wife, Peachy Fagan; that wife he alleged to be a Cherokee woman, whom he married without a license. At the time the testimony was taken, December 17, 1900, Commissioner Breckinridge informed the applicant of the reason why it appeared he could not be enrolled, the same reasons, practically, appearing in your decision.

On March 14, 1902, a memorandum was made, in which it appears that the applicant was notified by registered letter February 26, 1902, that he could submit any additional testimony affecting his application on March 14, 1902, and that he did not respond. On July

16, 1902, you sent him a record of the proceedings in the case and a copy of your decision, and he has not asked the Department to be allowed to be further heard.

The failure of the applicant, as stated, to appear, warrants the conclusion that if the case were remanded he would not again appear and be able to furnish any satisfactory evidence in his favor. Apparently the right view of the matter has been taken by you. The burden of proof was on the applicant, and as he seeks recognition as a citizen through his first marriage, and as he has failed in that direction, the Department does not deem it advisable to delay your consideration of other matters upon the mere supposition that, possibly, the applicant's second and third wives, though alleged Cherokees, were Cherokee citizens capable of conferring citizenship upon him.

Your decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

DL

1 inclosure.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,  
the following:

WASHINGTON. Aug. 30, 1904.

Land.

49,699-1902.

56,060-1904.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of August 11, 1902 --  
4773-1902 -- there is enclosed a report from the Commission to  
the Five Civilized Tribes, dated August 13, 1904, transmitting a  
motion for a rehearing of the application of James L. Puckett  
for enrollment as an intermarried citizen of the Cherokee  
Nation. The motion bears evidence of service upon the attorney  
for the nation. The record is enclosed.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.)P.

Cherokee B 1009.

~~1009, September 4, 1902.~~

James L. Pugh,

Collinsville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

James L. Pugh  
Acting Chairman.



COPY

Cherokee D 1009.

Muskogee, Indian Territory, September 4, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Sam. D. Dyer  
Acting Chairman.

Muskogee, Indian Territory, November 12, 1902.

James L. Puckett,  
Collinsville, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate of the Assistant Executive Secretary of the Cherokee Nation, relative to the examination of the marriage records of said Nation, also certificate showing your marriage on December 8, 1883 to Ara A. Parks.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-6

Muskogee, Indian Territory, August 13, 1904.

J. D. Cox,

Attorney for James L. Puckett,  
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 1, enclosing motion to reopen, for a rehearing, Cherokee case No. D-1009, (new No. R-713, James L. Puckett), and requesting that same be forwarded to the Secretary of the Interior.

In accordance with your request, this motion has this day been transmitted to the Secretary of the Interior for consideration. The action of the Secretary will be made known to you as soon as the Commission has been advised of the same.

Respectfully,

Commissioner in Charge.

Cherokee R-713.

Muskogee, Indian Territory, August 13, 1904.

The Honorable,

the Secretary of the Interior.

Sir:

In the matter of the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation, case No. D-1009 (new No. R-713), the Commission's decision in which case, rejecting the applicant, was affirmed by the Department in its letter of August 11, 1902, (I.T.D. 4773-1902), there is herewith transmitted a motion on behalf of the applicant, to reopen this case for a further hearing. Said motion bears evidence of service upon the attorney for the Cherokee Nation.

Respectfully,

Encl. 3-28.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

( C O P Y )

DEPARTMENT OF THE INTERIOR.

W. C. Y.  
RJH  
Y. P.

D. C. 44355-1904.

WASHINGTON. November 16, 1904.

I. T. D. 6906-1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

August 13, 1904, you transmitted a motion to reopen the matter of the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation.

July 16, 1902, you decided that the applicant is not entitled to enrollment, inasmuch as the record did not show that he was ever married to a recognized citizen of the Cherokee Nation under a Cherokee marriage license, and in accordance with the tribal laws of said nation. Your decision was approved by the Department August 19, 1902.

In support of the motion for review it is claimed that at the date set for the final hearing in the case the applicant was sick and unable to appear before the Commission or procure the attendance of his witnesses, and that if given an opportunity the applicant can prove by certain witnesses that he was married in accordance with the laws of the Cherokee Nation, to Mrs. Ara A. Parks, a Cherokee Indian by blood.

The Department considers that the applicant should be allowed to introduce the testimony referred to in his motion

for review. The motion is hereby granted, and you will so notify all the parties concerned, and allow the applicant a reasonable time within which to introduce said testimony, after which you will transmit same to the Department with recommendation.

This record and the motion for review are returned herewith.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

3 inclosures.

COPY.

Cherokee R-713  
D-1009.

Muskogee, Indian Territory, December 3, 1904

James L. Puckett,

Collinsville, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of November 16, 1904, granting the motion for rehearing in your case and directing that you be given an opportunity to appear before the Commission and introduce further testimony in support of your application for enrollment as an intermarried citizen of the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as you may desire in support of your said application.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Register.

Enc. D-5.

(SIGNED):

*Tama Bixby.*  
Chairman.

Copy

Cherokee R-713.  
D-1009.

Muskogee, Indian Territory, December 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of November 16, 1904, granting a motion for rehearing in the case of James L. Puckett, Cherokee R-713, and directing that he be given an opportunity to appear before the Commission and introduce further testimony in support of his application for enrollment as an intermarried citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as he may desire in support of his said application. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Enc. D-6.

SIGNED

*Tame Bixby*  
Chairman



CGI

Cherokee D-1009.

R-718.

Muskogee, Indian Territory, January 11, 1905.

J. D. Cox,

Attorney for J. L. Puckett,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 2, 1905, relative to a hearing in the matter of the application for the enrollment of J. L. Puckett as an inter-married citizen of the Cherokee Nation.

In reply you are advised that this case has been reset for hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and the applicant notified to appear on said date.

Respectfully,

Register.

(SIGNED).

*Tame Bixby.*

Chairman.

COPY.

Cherokee D-1009  
R-713.

Muskogee, Indian Territory, January 12, 1905.

James L. Puckett,

Big Cabin, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 29, 1904, stating that you did not receive the Commission's letter of December 1, 1904, in time to appear on the date at which your case was set for trial, and you ask that another date be fixed at which time you will be on hand with your witnesses.

In reply you are advised that your case has been set for trial before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, at which time you will be allowed to appear and introduce testimony in support of your said application for enrollment as an inter-married citizen of the Cherokee Nation.

Respectfully,

Register.

*Jame Dixby.*  
Chairman.

COPY.

Cherokee R-713.

Muskogee, Indian Territory, March 18, 1905.

James L. Puckett,

Big Cabin, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 11, 1905, asking to be allowed to introduce further testimony in the matter of your application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 30, 1905, when you will be permitted to appear and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Register.

SIGNED

*Tame Bixby.*  
Chairman.

COPY.

Cherokee R-713.

Muskogee, Indian Territory, March 18, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of James L. Puckett as a citizen of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 30, 1905.

The said James L. Puckett has, therefore, this day been directed to appear on that date and introduce such testimony as he may desire in support of said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

*James Bixby.*  
SIGNED Chairman.

Muskogee, Indian Territory, October 24, 1905.

James L. Puckett,

Big Cabin, Indian Territory.

Dear Sir:

In reply to your letter of September 22, you are advised that the decision of the Commission to the Five Civilized Tribes, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was approved by the Secretary of the Interior on August 19, 1902, and that thereafter, on November 16, 1904, said case was reopened and remanded to the Commission to the Five Civilized Tribes for further hearing.

As no action is now being taken pending the determination of the general question by the Courts of the right to enrollment as citizens of the Cherokee Nation, of intermarried white persons, no further proceedings will be taken in the matter of your application for enrollment until the question referred to has been determined.

The self-addressed postal card received with your letter is returned you herewith.

Respectfully,

Incl. S-294.

Commissioner.

**Muskogee, Indian Territory, February 23, 1907.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of James E. Puckett as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 23, 1907, denying said application.

**Respectfully,**

**Commissioner.**

**Encl.A-25  
RA**

**Through the Commissioner  
of Indian Affairs.**

Cherokee  
R 913

Muskogee, Indian Territory, February 23, 1907.

James L. Puskett,

Big Cabin, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for your enrollment as a citizen by hintermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-93

RA

Register.

**Cherokee**  
**R 713**

COPY

**Muskogee, Indian Territory, February 23, 1907.**

**W. W. Hastings,**

**Attorney for Cherokee Nation,**

**Muskogee, Indian Territory.**

**Dear Sir:**

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of James L. Puckett, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

**Respectfully,**

SIGNED *Wm. B. Smith*

**Commissioner.**

**Encl. A-94**

**RA**



Refer in reply to the following:

Land  
20412-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

COPY.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation, together with the decision of Commissioner Bixby dated February 23, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM.Ph.

D. C. 12880

Y.P.  
W.H.M.

DEPARTMENT OF THE INTERIOR,

I. T. D.

WASHINGTON.

COPY.

6922, 6932, 6942, 6972, 6982,  
6992, 6994, 6998, 6999, 6994,  
7012, 7022, 7024, 7032, 7034,  
7036, 7042, 7048, 7052, 7042,  
7064, 7066, 7068, 7072, 7076,  
7084, 7090, 7100, 7112, 7122,  
7154-1907.

March 2, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decision in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of case.	Date of your letter of transmittal.
James L. Smith,	February 23, 1907.
Raymond Dent(freedman),	February 20, 1907.
James W. Hyde, et al.,	February 23, 1907.
William Russell North, et al.,	February 23, 1907.
Letha C. Sumiford,	February 23, 1907.
Fred Welch,	February 23, 1907.
Arthur Valentine Taylor, et al.,	February 26, 1907.
Addie Cheuteau,	February 6, 1907.
Clifford Sapsucker,	February 23, 1907.
Robert H. Crow,	February 23, 1907.
Annie Johnson (freedman),	February 16, 1907.
Everts Thorne,	February 23, 1907.
Manda Twist,	February 24, 1907.
Harold Parks Harrison,	February 20, 1907.
Hilly C. Howell, et al.,	February 23, 1907.
Fannie Roberson, et al.,	February 27, 1907.

Title of Case.	Date of your letter of transmittal.
Willis S. Irwin, et al.	February 18, 1907.
Rosella Riley (freedman).	February 18, 1907.
QUINNIA Ward,	February 18, 1907.
Rosa Lee Hillin, et al.,	February 21, 1907.
Sarah Hayes,	February 21, 1907.
James L. Puckett,	February 23, 1907.
Hollie Fox,	February 18, 1907.
Lorine Hillin, et al.,	February 18, 1907.
David W. Woodcock, et al.,	February 21, 1907.
Rosel Lee Martin (freedman),	February 21, 1907.
John Robinson, Sr.,	February 23, 1907.
George A. Armstrong,	February 21, 1907.
J. W. Petty,	February 23, 1907.
John M. Ware,	February 29, 1907.
Mary Harlan,	February 22, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James H. Wilson,  
Assistant Secretary.

31 enclosures, and  
62 enclosures to Ind. Of.,  
with copy hereof.

AFMc.  
3-4-07.

Cherokee R713

cc

Muskogee, Indian Territory, March 16, 1907.

James L. Puckett,

Big Cabin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Special Agent in Charge

Cherokee R713

COPY

Muskogee, Indian Territory, March 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *[Signature]*

Commissioner.

Enc I-226

RPI

48

49699

Department of the Interior
RECEIVED
SEP 1 1904
For Mr. _____
Indian Territory Division

CHEROKEE CASE

No. D-1009.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

James L. Puckett.

As a citizen of the Cherokee Nation

Muskogee, T. T.

190<sup>2</sup>.

Respectfully forwarded to the Secretary of the Interior  
for review

Acting Chairman

Cher R 714

Cher R 714



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. January, 18th 1901.

In the matter of the application of James Barnett, for the enrollment of himself and four children as Cherokee citizens. He being duly sworn, testified as follows before the Commission:

- Q What is your name? A. James Barnett.  
Q How old are you? A. I don't know my age exactly, I am 44 about.  
Q What is your post office address? A. Siloam Springs, Ark.,  
Q Do you apply for anyone besides yourself? A. Myself and children.  
Q How many children? A. Four.  
Q Don't apply for a wife? A. My wife is dead.  
Q Are you a Cherokee by blood? A. I guess I am, my mother always claimed to be a Cherokee, but it is in dispute.  
Q Do you claim your Cherokee lineage citizenship through your marriage to your wife? A. Yes sir.  
Q What district do you live in? A. I was born and raised in Going Snake District.  
Q You have not been outside of the Territory within the last three years for any purpose? A. No sir.  
Q What is your father's name? A. John.  
Q What is the name of your mother? A. Nancy.  
Q Is your father living? A. No sir.  
Q Is your mother living? A. No sir.  
Q What is the name of your wife? A. Elisa, she is dead.  
Q When did she die? A. She died about— been dead 12 or 13 years.  
Q Was she a Cherokee by blood? A. Yes sir.  
Q About what degree of Cherokee blood did she claim to have? A. About 3/4.  
Q What was the name of her father? A. Jim Still.  
Q Is he living? A. No sir.  
Q What was the name of her mother? A. Susie Still.  
Q Is she alive? A. She is living.  
Q Is she a Cherokee by blood? A. Cherokee.  
Q What is the name of your oldest child? A. Marguerite, she has been enrolled.  
Q Give me the name of your oldest child under twenty-one and unmarried? A. George.  
Q Not married? A. No sir.  
Q How old is he? A. Twenty years old.  
Q Name of the next one? A. Benjamin.  
Q How old is he? A. Eighteen years old.  
Q Next child? A. John.  
Q How old is John? A. Fourteen.  
Q Next child? A. That's all.  
Q Are these children all alive and living with you at the present time? A. Yes sir.  
Q Is your wife Elisa the mother of all these children? A. Yes sir.  
Q Were all these children born in the Cherokee Nation? A. Yes sir.  
Q And lived there all their lives? A. Yes sir.  
Q When were you married to your wife Elisa? A. 1879.  
Q Your name is on the authentic roll of 1880 then? A. Yes sir.  
Q Were you ever married before your marriage to Elisa? A. No sir.  
Q Was she ever married before she married you? A. No sir.  
Q Did you live with her continuously until her death? A. Yes sir.  
Q Have you married since her death? A. Yes sir.  
Q What is the name of your present wife? A. Nellie Logan, she is a white woman.  
Q She is not a recognized citizen of the Cherokee Nation by blood? A. No sir.  
Q When were you married to her? A. About three years ago.  
Q Is she living at the present time? A. Yes sir.

James Barnett 8.

- Q Any children by her? A. Yes sir.  
 Q What are their names? A. Charley and Andrew.  
 Q You don't apply for these two children? A. No sir.  
 Q Did you ever draw money from the Cherokee Nation? A. Yes sir.  
 Q When? A. Before I was married; and after I was married I moved out of Goingsnake district and moved into Delaware district, and while I was living there I offered to vote and they objected to my voting because they said that I had not been married according to the Cherokee law, I then went down to Goingsnake where I had been raised and saw the Clerk and got a license and signers and was remarried, and after that they would not let me draw money.  
 Q Have you that marriage license with you? A. I have them at home; I forgot them when I came here.  
 Q Then after you were remarried you were never recognized as a Cherokee by blood? A. No sir.  
 Q You claim to be an adopted citizen now? A. Yes sir.  
 Q Don't claim to be a Cherokee citizen by blood? A. I claim it but it is in dispute.  
 Q You didn't draw money in 1884 for yourself? A. No sir.  
 Q How long was it before you was married that you draw money for yourself? A. About a year.  
 Q About 1878? A. Yes sir.  
 Q Since that time you have never drawn any? A. No sir.  
 Q Only drew that one time? A. Yes sir.

By Cherokee Representative, Gale Starr-

- Q What payment was it that you drew in in 1878? A. They called it "Bread Money"—somewhere along about there.  
 Q Are you sure that it was before 1883? A. Just a while before I was married, it was 1878, I think it was, that I was married.  
 Q Have you your license where you married your first wife? A. No sir not with me, I forgot them.  
 Q Who was it that issued you your license? A. Jack Wright  
 Q What was he? A. Clerk of Goingsnake district.  
 Q Did you get a list of signers and get married as a white man? A. Yes sir.

By the Commission-

- Q When did you secure this license to remarry your wife—what year? A. Just a short time after I was married.  
 Q Was it before 1880? A. It was before.

1880 roll, page 336, No. 330, Jim Barnett, Delaware district, Native O.		
1880	336	331 Eliza Barnett, " "
1886	438	333 George Barnett " "
1886	438	334 Benjamin Barnett, " "
1886	438	335 John Barnett, " "

- Q Did you apply to the Cherokee tribal authorities in 1886 for enrollment? A. Yes sir, I went and enrolled in Delaware district, in Beck's Precinct.  
 Q Do you know whether they enrolled you? A. I don't know.  
 Q You were not married to your present wife at that time were you?  
 A Yes I re-kon I was.  
 Q You said awhile ago you were married to her about three years ago.  
 A I think it was.  
 Q Have you any evidence of your marriage to your white wife? A. I have it at home, went to Bentonville and got them, they claimed there was no way here to get them.  
 Q Did you ever apply to the Dawes Commission for enrollment? A. Not before.  
 Q You did not apply in 1889? A. When they came round and taken the census I enrolled, I don't know whether it was the Dawes Commission

James Barnett 3.

• • • The applicant applies for the enrollment of himself as a Cherokee citizen by inter-marriage, and for the enrollment of three children as citizens of the Cherokee Nation by blood. He is identified on the authenticated roll of 1880 as a native Cherokee. He avers that he is Cherokee by blood but has never been so recognized by the Tribal authorities. He states that he was married in 1888 to his former wife, Ellen; she is identified on the 1880 roll as a native Cherokee, and as the wife of the applicant. He lived with her up until the time of her death about twelve or thirteen years ago. He avers that previous to his marriage he participated in one payment made by the Cherokee Nation, but since his marriage the Nation has refused to allow him to draw annuities as a native Cherokee head. He also states that about a year after his marriage he was required to his wife according to the laws and customs of the Cherokee Nation, but did not file any license. He will be required to file with the Commission the license showing that he was married to his Cherokee wife in accordance with the laws and customs of the Cherokee Nation. He avers that about three years ago he was married to one Mollie Leggin a white woman, and that as a result of this last marriage he has two children, Charles and Andrew Barnett, for whom he does not make application. His last wife was a white woman and he does not present any license as to his marriage to her. For the reason that he does not claim to be a Cherokee citizen by blood, and for the reason that he has, since the death of his Cherokee wife, married a white woman, he will now be listed for enrollment upon a doubtful card, as a Cherokee citizen by inter-marriage and when final judgment is rendered he will be notified at his present postoffice address, in writing. As to the application which he makes for on behalf of his three children, the mother of these children is identified on the authenticated roll of 1880 as a native Cherokee; the three children are identified on the census roll of 1886 as native Cherokees, they are living; they have lived in the Cherokee Nation all their lives, and they will be listed for enrollment as citizens by blood of the Cherokee Nation.

Chas. von Weiser, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

*Chas. von Weiser*

Subscribed and sworn to before me on the 18th of January, 1901.

*J. H. ...*  
Commissioner.

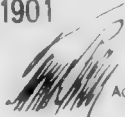
B1048

B

1. 4

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JAN 18 1901



ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

JAN 13 1901

1900.

Name *James Barnett*

Date

*Silver Springs Ark*

District

DELAWARE

Year *1880*

Page

*226*

No. *290*

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

On 1880 roll as

*Jim Barnett*

Marriage license and certificate issued to applicant and first wife to be supplied

A COPY OF THIS RECORD WILL BE FILED WITH THE APPLICATION OF JAMES BARNETT, THIS DAY TAKEN. D-1046.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. January, 18th 1901.

In the matter of the application of Jesse Barnett for enrollment as a Cherokee citizen. He being sworn before Commissioner Breckinridge, testified as follows:

- Q What is your name? A. Jesse Barnett.  
Q How old are you? A. 33.  
Q What is your post office? A. Silcox Springs, Ark.  
Q In what district do you live? A. Delaware.  
Q Who do you want to have enrolled, just yourself? A. Yes sir.  
Q Are you a Cherokee by blood? A. Yes sir.  
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.  
Q Give me the name of your father? A. James Barnett.  
Q Is he dead? A. No sir.  
Q Give me the name of your mother? A. Eliza.  
Q Is she dead? A. Yes sir.

1880 roll, page 226, No., 293, Jesse Barnett, Delaware district.  
1896 438 232 Jesse Barnett, " "

\*\*\* The applicant is identified on the 1880 and 1896 rolls as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

SUPPLEMENTAL-

( Examination conducted by J. L. Baugh, Cherokee Representative )

- Q Is the William Barnett, who was here just before you, your father?  
A Yes sir.  
Q Is he a white man or a Cherokee? A. White man.  
Q They know him as a white man all over the country where you live dont they? A. Yes sir.  
Q He has no Cherokee blood in him at all has he? A. No sir I guess not.  
Q You claim your Cherokee blood through your mother? A. Yes sir.

\* \* \* \* \*

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

*Chas von Weise*

Subscribed and sworn to before me this the 18th of January, 1901.

*J. L. Baugh*  
Commissioner.

Cherokee Nation,  
Going Snake Dist. }

By the authority vested in me by the Law of the Cherokee Nation, I do hereby grant License of marriage unto Mr. James Barnett, a white man, citizen of the United of good moral character and of industrious habits, as per petition for to marry Miss Eliza Still, Native Cherokee woman and daughter of Mr. James Still and Mrs. Susan Still, he, the said Mr. James Barnett, having complied with the law of the Cherokee Nation regulating intermarriage with the white men and foreigners. Given from under my hand and seal of office this the 30th day of July A.D. 1879.

(Going Snake District)  
{ Justice } Seal  
{ Cherokee Nation }

J. R. Wright,  
Clerk Going Snake Dist., C.N.

-----  
This certifies that the parties mentioned above, Mr. James Barnett and Miss Eliza Still, were united in marriage on the 10th day of August, 1879.

T. M. Rights,  
Pastor of the Moravian Church  
at Springplace, Cherokee Nation, I.T.

-----  
I hereby certify the within License was recorded by me.

J. R. Wright,  
Going Snake, C.N.

-----  
I, the undersigned, a stenographer of the Commission To The Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of an original copy on file in the Office of the Commission.

Emabel F. Maxwell



C. D-1048

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., March 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of  
James Barnett for enrollment as a Cherokee citizen.

Appearances:

W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 15th day of March, 1902, and that on said date he would be permitted to appear either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

On this 15th day of March, 1902, applicant having been called, and failing to respond either in person or by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Barnett for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on January 18, 1901 James Barnett appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory January 18, 1901 and March 13, 1902.

The evidence shows that the applicant was married to Eliza Still, a Native Cherokee, in accordance with the laws of the Cherokee Nation on the 13th day of August, 1879, and that he lived with her continuously as her husband until her death; that he and his wife, Eliza Barnett, nee Still, are identified on the 1880 authenticated tribal roll of the Cherokee Nation; that in the year 1898 he married one Nellie Loggin, a white woman, who is his present wife.

Section 21 of the Act of Congress, approved June 28, 1908 (30 Stat. 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 566 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

It is, therefore, the opinion of this Commission that the application of James Barnett for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
this

JUL 16 1902

FILED  
FEB 28 1902



RECEIVED

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **February 27,**

1902

**Mr. James Barnett,**

**Siloam Springs, Arkansas,**

**Sir:-**

You are hereby notified that the application of..... **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **15** day of **March**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Cherokee D-1048  
Register.**

Yours truly,

~~XXXXXXXXXX~~  
Acting Chairman.  
**Commissioner in Charge.**

Cherokee D-1048.

Muskogee, Indian Territory, July 16, 1902.

James Barnett,

Siloam Springs, Arkansas.

Sir:

There is herewith inclosed the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission rejecting your application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enc. H-11.

Cherokee D-1048.

~~Muskogee, Indian Territory, July 18, 1902.~~

W. W. Hastings, Esq.,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-12.

Cherokee D-1048.

~~Muskogee, Indian Territory, July 16, 1902.~~

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

Inc. H-13.

( Copy )

Refer in reply to the following:

Land.

42,716-1902. DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

WASHINGTON,

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 16, 1902, forwarding for the Department's consideration the record relative to the application of James Barnett for enrollment as an intermarried citizen of the Cherokee Nation.

July 16, 1900, the commission in its decision adverse to the applicant quoted section 21 of the Curtis Act relative to intermarried citizens and section 666 of the Compiled Laws of the Cherokee Nation, the provisions of both of which are undoubtedly familiar to the Department.

The evidence in this case shows that the applicant was married to Eliza Still, a Cherokee woman, on August 10, 1879; that the marriage was performed in accordance with the laws of the Cherokee Nation; that he lived with her until her death; and that both he and his citizen wife are identified on the 1880

tribal roll, and that in 1898 he married one Mollie Login, a white woman.

The office does not agree with the findings of the commission rejecting the applicant.

Section 21 of the Curtis Act declares that the commission shall take the 1880 roll as the only roll intended to be confirmed by this and preceding acts of Congress, and directs that it shall enroll "all persons now living whose names are found on said roll".

This applicant was married to a citizen of the Cherokee Nation prior to the date said roll was made, and under the provisions of section 21 of the Curtis Act, above quoted, the office believes that an intermarried citizen whose name appears upon said roll, if a citizen of the Indian Territory, stands in the same position as a native Cherokee, if a resident of that nation, and that the applicant should, therefore, be enrolled.

It does not believe that the commission has any authority to question this applicant relative to his subsequent marriage to a white person. Neither does it believe that section 666 of the Curtis Act is applicable to this case for the reason that it is in conflict with the provision above quoted from section 21 of the Curtis Act. It must therefore give way. This provision declares that it should enroll "all persons whose names are found thereon". It does not say that it shall enroll native Cherokees whose names are found thereon and such



X, 1048

intermarried white citizens whose names are on said roll as have complied in every particular with the Cherokee laws.

The office therefore recommends that the decision of the commission rejecting the applicant be not approved, and that the commission be directed to enroll the applicant as a citizen of the Cherokee Nation.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G.A.W.)

P.

( Copy )

D.C. 51733-1902.

J.W.H.

DEPARTMENT OF THE INTERIOR.

I.T.D. 4645-1902.

L.R.S.

WASHINGTON,

FHB

August 29, 1902.

Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 16, 1902, you transmitted the record of proceedings had in the matter of the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including your decision of said date refusing to enroll the applicant.

James Barnett claims that he is a Cherokee by blood. It seems, however, that he was regarded as a white man by his neighbors, and by the tribal authorities, and that, in applying for a marriage license in 1879, he applied as a white man. The record shows that on August 10, 1879, he married one Eliza Still, a Cherokee woman; that the marriage was performed in accordance with the laws of the Cherokee Nation; that he lived with her until her death; that both he and his citizen wife are identified on the 1880 tribal roll, and that in 1898 he married one Mollie Login, a white woman.

July 30, 1902, the Acting Commissioner of Indian Affairs recommended that the applicant be enrolled, by authority

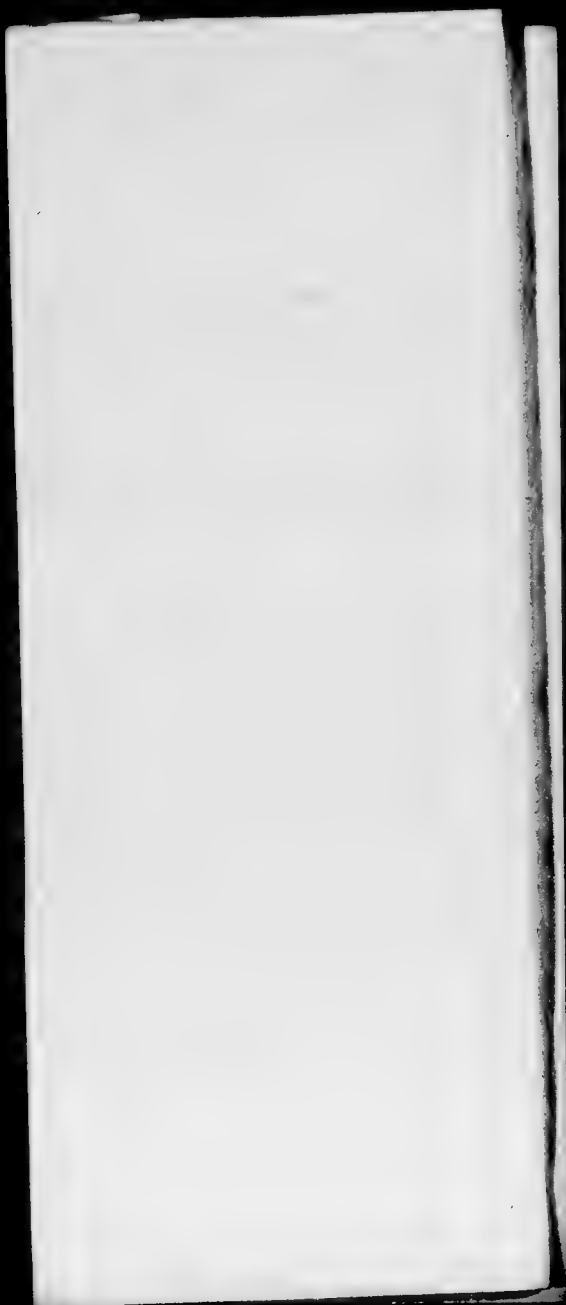
of paragraph one of section twenty-one of the act of June 28, 1898 (30 Stat., 495), which directs the Commission to enroll all persons now living, whose names are found on the 1880 roll, claiming that said act should prevail, notwithstanding the applicant's subsequent marriage to a white woman.

This case involves the same question as that which arose in the matter of Phillip T. Johnson. It seems that Johnson, a white man, married a Cherokee woman, and his name was placed upon the authenticated tribal roll of 1880, as an inter-married citizen. His Cherokee wife died in 1891, and in 1898 he married a white woman, not a citizen of the Cherokee Nation. In its decision of August 6, 1902, in reference thereto, the Department held that--

"The purpose of confirming the said roll (of 1880), was to prevent any inquiry as to its correctness at the time it was made, and to prevent the Nation from being heard to say that one who was then recognized by the National authorities as a citizen was not at that time entitled to such recognition. It was not intended, however, to say that one thus enrolled could not afterwards abandon the tribe, or otherwise forfeit his citizenship."

and the application for the enrollment of Phillip T. Johnson was refused, by reason of his subsequent marriage to a white woman.

The case at bar presents precisely the same conditions; therefore the application of James Barnett was properly refused.



~~The Department finds no cause to disturb your action,~~  
and the same is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

1 inclosure.

Acting Secretary.

E.M.D.

COPY

Cherokee D 1043.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

James D. Hester,  
Acting Chairman.

COPY

Cherokee D 1048.

~~Muskogee, Indian Territory, October 7, 1902.~~

James Barnett,

Siloam Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*James Dixby.*

Acting Chairman.



Cherokee R-714

Muskogee, Indian Territory, November 8, 1902.

James Barnett,

Siloam Springs, Arkansas.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on August 10, 1879, to Eliza Still.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-177

Cher R 715

Cher R 715

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF Robert M. Julian for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Robert M. Julian.  
Q What is your age? A I am about fifty nine years old.  
Q What is your Postoffice address? A Checotah.  
Q What district do you live in? A Canadian.  
Q Are you a recognized citizen of the Cherokee Nation? A I do not know sir.  
Q For whom do you apply for enrollment? A Myself.  
Q Is your name on the roll of 1880? A I can not tell you; I reckon not sir.  
Q Is your name on the census roll of 1896? A I do not know whether it is on any roll or not.  
Q What proof have you to offer of your citizenship?  
A You see the condition I come here in. (Hands paper to Commissioner)  
Q Does your name appear in this certificate? A No sir, it does not, but you can see when I came to this country: I was married in '65, before the treaty of '68.  
Q Without you are on some of the rolls, or have been admitted by the Cherokee authorities or the Dawes Commission, we have no jurisdiction whatever? A Yes sir.  
Q Did you ever apply to the Dawes Commission in 1896? A No sir.  
Q Is Susan Julian your wife? A Yes sir.

(1896 Roll, Page 89, #145, Robert M. Julian, Canadian District)

- Q Are you a white man? A Yes sir.  
Q What is your wife's name? A Susan J. Willis before I married her.

Com'r. T. B. Needles: Applicant presents a certificate of marriage, certifying that he was married in the State of Georgia to one, Susan J. Willison the 18th day of April, 1865.

Applicant also presents a certificate of admission to Cherokee citizenship, issued from the office of the Commission on Citizenship at Tahlequah, May 18th, 1888, signed by J. T. Adair, Chairman of the Commission; attested by Connell Rogers; approved and endorsed by Samuel Smith, Acting Chief, under the great seal of the Cherokee Nation, certifying that among others, one Susan J. Julian and her children were admitted to citizenship on the 22nd day of August, 1887.

Q Is the Susan J. Julian mentioned in this certificate, you present, your wife? A Yes sir.

- Q Was her name Susan J. Willis before you married her? A Yes sir.  
Q Have you been living with her continuously since you married her? A Yes sir.  
Q Are you her first husband? A Yes sir.  
Q Was she your first wife? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A About twelve or thirteen years.  
Q Moved here from where? A Georgia.  
Q Have you ever been married according to the laws of the Cherokee Nation since your marriage in 1865? A No sir.

Com'r. T. B. Needles: The name of Robert M. Julian appears upon the census roll of 1896: He presents satisfactory proof of the admission of his wife, Susan J. Julian to Cherokee citizenship in the year 1887; also presents proof of his marriage to the said Susan J. Julian, by the name of Susan J. Willis, said marriage having been solemnized

9-26  
1-2  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JAN 31 1901

*[Signature]*  
A. T. CHARMAN

ROBERT M. JULIAN.

-2-

in the State of Georgia on the 18th day of April, 1868: He makes no proof of marriage according to the laws of the Cherokee Nation, nor any proof of having been admitted to Cherokee citizenship; consequently final judgment as to the enrollment of the said Robert M. Julian as a Cherokee citizen by intermarriage will be suspended, and his name will be placed on a doubtful card.

---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of January, A. D., 1901.

  
COMMISSIONER.

13

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JAN 29 1901

*[Handwritten signature]*

NOTARY PUBLIC

**CHEROKEES BY BLOOD AND ADOPTION.**

JAN 29 1901

1900.

(54) Name Robert M. Julian Date Lehestal, Ia.  
 District CANADIAN. Year 1896 Page 87 No. 145  
 Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Wife's name \_\_\_\_\_

District \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_

Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Names of Children:

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

**Sherman D 1078**

**State of Georgia ) To any Judge of the Superior Court, Justice**  
**Dawson County. )**

**of the Superior Court, Justice of the peace**  
**or Minister of the Gospel you are hereby authorized to join Robert**  
**M. Julian and Susan I. Willis in the Holy State of Matrimony accord-**  
**ing to the law of this state if they are such persons as are by**  
**law authorized to marry and for so doing this shall be your license**

**Given under my hand and Seal of Office this April 18th,**  
**1900.**

**Samuel Barber:**

**Ordinary.**

**I hereby certify that the within named parties were duly joined to-**  
**gether by me this the 18th day of April 1900.**

**Hiles Puckett H.C.**

**State of Georgia Dawson County**

**I, Samuel Barber Ordinary or Probate Judge in said County**  
**hereby certify that the above is a true copy as it stands on Record**  
**in my office.**

**Given under my hand and seal of office this 14th 1900.**

**Samuel Barber**

**Ordinary or Probate Judge in**  
**Dawson County Ga.**

**( S H A L )**

**I, the undersigned, as stenographer to the Commission to the**  
**Five Civilized Tribes, do certify that the above is a true and**  
**correct copy of the certified copy on file in this office.**

**G. C. Melany**



Cherokee D 1078

Susan J. Julian

Office Commission on Citizenship.

Tahlequah, O. W. Sept. 23rd 1887.

Docket No.	Names.	Age.	Sex.	PostOffice	Atty.
1	Susan J. Julian	44	female	Hig Creek Ga.	
2	Edwin C. Julian	21	male		
3	Robert W. Julian	16	"		
4	Wm. B. Julian	13	"		
578	Eva M. Julian	7	female		A.E. Ivey
6	Etta P. Julian	4	"	Applicant for Cherokee Citizenship.	

Rolls 1851

Ancestor

Prestley E. Willis.

vs.  
Cherokee Nation.

Now on this the 16th day of May 1888 comes the above case up for final hearing, and the Commission say, "The Commission on Citizenship after carefully examining the evidence and rolls of 1851 and 1852, find that Susan J. Julian and her five children, namely: Edwin C. - Robert W. - William B. - Eva M. - and Etta P. Julian are Cherokees by blood, and are hereby re-admitted to all the rights and privileges of Cherokee citizens by blood.

J. T. Adair, Chairman Commission.

D. W. Lipe, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the record on file in this office.

Calla T. Lipe

R

C. D-1078

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Robert M. Julian for the enrollment of himself as a Cherokee citizen.

Appearances:

J. M. Givens, Muskogee, I. T., attorney for the applicant, and the applicant in person.

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 15th day of March, 1902, appears in person and by his attorney, J. M. Givens.

ROBERT M. JULIAN, being first duly sworn and being examined testified as follows:

-MR. GIVENS:

- Q Please state your name? A Robert M. Julian.  
Q Where do you reside? A Canadian District, Cherokee Nation.  
Q You appeared before the Commission to the Five Civilized Tribes at Muskogee on January 29th, 1901? A Yes sir.  
Q In the matter of the application of yourself for enrollment as a citizen of the Cherokee Nation? A Yes sir.  
Q Upon examination of the testimony which was given before the Commission on the occasion referred to in my question just preceding, I note that you state that you never applied to the Dawes Commission for enrollment in the year 1896? A No sir.  
Q Were you ever re-married according to Cherokee law, Mr. Julian? A No sir.  
Q Have you any reason why you were never re-married after you came to the Cherokee Nation?

BY MR. HASTINGS: I want to object to that question. I don't think that is admissible. The law specifically says how a white man shall intermarry with a Cherokee to be given rights in the Cherokee Nation, and if he does not comply with that law, why no excuse will permit him to avoid it and give him citizenship in the Cherokee Nation.

BY COMMISSION: The objection will be noted, and the witness permitted to answer the question.

A My reason was through Judge Adair. He informed me that my marriage being in 1865 he did not think it was necessary.

BY MR. HASTINGS: The Representative of the Cherokee Nation now moves that the above answer be stricken from the record, because it is hearsay, and innuendo binding upon the Cherokee Nation.

- Q Who was this Judge Adair to whom you refer? A He was Judge of this Court of Claims, he was the Judge of the- where I give my family, what was the name of the court anyhow; it was the citizenship court, and he was Judge of the Citizenship Court.  
Q By that you mean that he was Chairman of the Commission on Citizenship? A Yes sir.  
Q For the Cherokee Nation? A Yes sir.  
Q Was Mr. T. J. Adair Chairman of the Cherokee Citizenship Commission at the time you had this conversation with him to which you made reference? A Yes sir.

Q When was it that you had this conversation with Mr. Adair in which he told you that it would not be necessary for you to be re-married, because you had been married in 1865? A It was about the time that I had my family placed upon the rolls. I suppose '88; my recollection, my recollection is not very good, but I think '88; it may be '70, no, yes it's '88 I reckon, I aint sure. In May I think, August, somewhere along there.

Q Was it at the time your wife and children were admitted to citizenship by this Commission? A Not right at the same day, sir, I reckon it must have been a day or two afterwards; I remained in Tahlequah, but it was about the same, yes sir.

Q Well wasn't the statement which was made to you by Mr. T. J. Adair, Chairman of the Citizenship Commission which caused you not to be remarried after you had come from Georgia? A Yes sir, that was the cause.

BY MR. HASTINGS:

Q You didn't apply with your own family did you? A No sir, I did not I reckon, my family was not here at that time, they was in Georgia.

Q Your family did apply, your wife and children? A Well I did for them.

Q If you knew the law and you were instructed that your marriage in 1865 to a Cherokee woman in the states and outside of the limits of the Cherokee Nation and not in accordance with Cherokee law, would entitle you to citizenship, why is it you didn't have your own name embraced in that application? A Well this is the understanding, now of course this was a different view after. Now I was instructed by the attorney a different way at the same time I was there for a few days, of course it was not necessary, I couldn't make the application then, my family was not there, I couldn't have done it no way.

Q When you made it for your family why didn't you make your own? A I didn't think anything about it; Judge Adair believed my marriage in '65 would have made me a natural citizen before the treaty of '66, and he said so.

Q He didn't admit you? A He didn't do that.

Q And he was on the bench? A No, I didn't call on him to do that at that time. He said he thought it was not necessary.

Q Well the opinion he expressed was simply a private opinion?

A Yes sir, private opinion.

Q Wasn't one from the bench at all? A No, no, not at all.

BY COMMISSION: The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case. The attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

*Received from the Commission to the Five Civilized Tribes a copy of the testimony in the*

*matter of the application of*

*for enrollment as*

*of the Cherokee Nation.*

*J. H. Smith*

*Cherokee No. 107*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert M. Julian as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on January 29, 1901, Robert M. Julian appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902.

The evidence in this case shows that Robert M. Julian, a white man, was married, under the laws of the State of Georgia, on April 18, 1888, to Susan J. Willis, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on May 16, 1888. The said Robert M. Julian is identified on the Cherokee census roll of 1896 and has lived in the Cherokee Nation ever since about the year 1888, the year of the admission of his wife and children to citizenship in the Cherokee Nation.

Robert M. Julian did not re-marry according to the laws of the Cherokee Nation.

It is provided in an Act of the National Council of the Cherokee Nation, dated October 15, 1855, entitled "An Act regulating intermarriages with white men,"

"That any intermarried white man desiring to marry a Cherokee woman, shall be and is hereby required to obtain a license for the same from any of the clerks of the District Courts of the several Districts", and it is further provided in said Act

"That no marriage between a citizen of the United States and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal: . . . . ."

Although the marriage between Robert M. Julian and his wife, Susan J. Julian, was not entered into within the limits of this Nation, it is considered that the reason of this law is applicable to the facts in the case of Robert M. Julian.

Paragraph 1, of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of only "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application for the enrollment of Robert M. Julian as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

11 1902

1-177  
RECEIVED  
FEB 28 1902

*[Handwritten signature]*

ALFRED K. STEINBERG

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

**Cherokee D-1075**

Muskogee, Indian Territory,

**February 27,**

1902.

**Mr. Robert M. Julian,**

**Chesotah, Indian Territory,**

**Sir:-**

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**the 15 day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.  
**Chv N 1075**

Yours truly,

**Commissioner in Charge.**

~~Acting Chairman~~

COPY.

Cher. D 1075.

Muskogee, Indian Territory, July 16, 1902.

Robert M. Julian,

Checotah, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished your attorney of record, J. M. Givens, Muskogee, Indian Territory, and there has been this day forwarded to him a copy of the Commission's decision.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Tams Bixby*

Acting Chairman.

Register.

Enc. C. No. 101.



CCP:

Cher. 5 1075.

Muskogee, Indian Territory, July 14, 1902.

J. E. Givens, Esquire,  
Attorney for Robert M. Julian,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished you.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Tams Dixey*

Acting Chairman.

Register.

Enc. C. No. 102.

CCFY

Cher. D 1075.

Muskogee, Indian Territory, July 18, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Tamc Dixby*

Acting Chairman.

Enc. C. No. 103.

COPY.

Cher. D 1075.

Muskogee, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 16, 1902, rejecting said application.

Respectfully,

*Tams Birby*

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 104.

Refer in reply to  
the following:

(COPY)

Land  
42718--1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith a report from the Acting Chairman of the Commission, dated July 16, 1902, forwarding the record relative to the application of Robert M. Julian, for enrollment as an intermarried citizen of the Cherokee Nation. July 16, 1902 the Commission held that the applicant was not entitled to enrollment as an intermarried citizen of said nation.

The evidence in this case shows that Robert M. Julian, a white man, was married under the laws of the State of Georgia in 1865 to Susan J. Willis, a Cherokee by blood; that on May 16, 1888 said Susan J. Julian nee Willis, and her minor children were admitted to citizenship in the Cherokee Nation; that the applicant Robert M. Julian was not admitted to citizenship in said nation. An Act of the Cherokee Nation approved October 15, 1855 regulating intermarriage declares "that no marriage between a citizen of the United States and a female citizen of this nation entered into within the limits of this nation except as hereinbefore authorized and provided shall be legal." The Commission invites attention to the fact that the marriage was not "entered into within the limits" of the Cherokee

- 2 -

Nation, but considers that the law is applicable to the case under consideration.

This office agrees with the Commission's construction of said law, and recommends the approval of its decision rejecting the applicant.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (E.)

D. C. No. 13541-1902.

L. R. S.

49031

EAF.

ITD. 4604-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of July 16, 1902, you transmitted the record in the matter of the application for enrollment of Robert M. Julian as an intermarried Cherokee citizen.

The evidence shows that applicant was married under the laws of the State of Georgia, in 1865, to Susan J. Willis who on May 16, 1888, was admitted to citizenship as a Cherokee by blood, and that applicant has lived in the nation since the year 1888; that he did not remarry according to Cherokee law, but is identified on the 1896 Cherokee census roll. In your decision you quote that portion of the act of the Cherokee Nation of October 15, 1855, which declares:

"That any intermarried white man desiring to marry a Cherokee woman, shall be and is hereby required to obtain a license for the same from any of the clerks of the District Courts of the several Districts; . . . That no marriage between a citizen of the United States and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

You denied the application.

The Acting Commissioner on July 29, 1902, recommended that your decision be approved. Copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

Cherokee D 1078.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Robert M. Julian,  
Checotah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cherokee D. 1075.

COPY.

Muskogee, Indian Territory, September 3, 1902.

J. M. Givens, Esquire,

Attorney for Robert M. Julian,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.



✓  
Cherokee D 1075.

COPY.

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Robert M. Julian for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

Cherokee R-715

Muskegee, Indian Territory, November 8, 1902.

Robert M. Julian,

Checotah, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on April 18, 1865, to Susan J. Willis.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-2176

Cher R 716

Cher R 716

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 5, 1901.

In the matter of the application of Lee H. Hutchens for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Lee H. Hutchens.  
Q How old are you? A 39 years old.  
Q What is your postoffice? A Tawanna.  
Q In what district do you live? A Canadian.  
Q Do you want to enroll yourself and family? A No sir, just myself.  
Q Are you Cherokee by blood? A No sir, I am a white man.  
Q Let me see your marriage license and certificate. ( Hands papers to Commissioner )  
The applicant presents a license issued by the Clerk of Canadian district, January 11, 1889, authorizing marriage between S. W. Hutchens and Mrs. Liddy Tony. The certificate shows that they were united in marriage on the same date as the license by the Clerk of the district. This is filed herewith.  
Q Have you lived with your wife ever since you married her in 1889?  
A Up until something like two years ago.  
Q And then you parted, did you? A Yes sir.  
Q Did you leave her, or did she leave you? A Why, I left her.  
Q Did you get a divorce from her? A No sir.  
Q Why did you leave her? A Just because I couldn't get along with her; she was high tempered.  
Q No other reason? A No sir.  
Q You haven't married or taken up with any other woman since you left your wife? A No sir.  
Q Has she married or taken up with any other man since you left her? A No sir.  
Q Have you and she any children? A She has one son.  
Q That is your child, is it? A No sir.  
Q No children of your marriage? A No sir.  
Q Were you ever married except to this wife? A No sir.  
Q Was she ever married except to you? A Yes sir, she was married twice before.  
Q What was the name of her first husband? A Ben Taylor, I think.  
Q When did she marry Ben Taylor? A I don't know when.  
Q What is the name of her second husband? A Anderson Tony.  
Q You don't know when she married Tony? A No sir.  
Q What is your wife's proper name; Liddy Hutchens? A Just Liddy, that's all.  
Q How old is she? A About fifty years old.  
Q She has lived in the Cherokee Nation all her life, has she?  
A Yes sir, she was born and raised in the Cherokee Nation.  
Q Were Taylor and Tony both dead when your wife married you? A Yes sir, they were both dead.  
Q Your wife has a child by one of her former husband's? A By Taylor.  
Q How old is that child? He is grown is he? A Yes sir, he 's 25 years old I expect.  
Q What is his name? A John Taylor.  
( Upon examination of the authenticated roll of 1880 the name of the applicant's wife is found as follows: page 50, No. 1378, Lydia Tong, Canadian district. On the Census roll of 1896: page 33, No. 838, Lydia Hutchins, Canadian district. On the Census roll of 1896, the name of the applicant is found on page 33, No. 107, as Lee H. Hutchens, Canadian district ).  
Q Your name in the marriage certificate and license is S. W. Hutchens; is anybody here that knows you, and knows that you are the man who married Liddy Tony? A Yes sir.

10103

101

DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WASHINGTON  
FILE 8 130

7  
JAN 10 1901  
C. ADAMS

2- L.H.H.

Witness, Johnson Barber, being sworn and examined by Commissioner Breckinridge, testified as follows through S. R. Walkingstick, Interpreter:

- Q Give me your full name . A Johnson Barber.  
Q How old are you? A Something over forty.  
Q What is your postoffice? A Texanna.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Do you know this applicant here? A Yes sir.  
Q What is his full name? A Lee Hutchens.  
Q Do you know his wife? A Yes sir, I am acquainted with her.  
Q What is her name? A Liddy Hutchens.  
Q What was her name when he married her? A Liddy Tony.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself only, and states that he is a white man. He shows by the marriage license and certificate filed herewith that he was married in accordance with Cherokee law to a Cherokee wife in 1889. He states that he was never married before, and that his wife was married twice previous to her marriage to him, but that both of her former husbands were dead when he and she were married. This is confirmed by her testimony given in case 7131. The applicant states that he and his wife lived together from the time of their marriage until about two years ago when he left her because of her high temper. She is duly identified on the rolls of 1880 and 1896 as a native Cherokee, and he is identified on the roll of 1896 as a Cherokee by intermarriage. For the further consideration of his right of enrollment as effected by the fact of his having left his wife, which is to be considered especially in connection with Section 667 of the 1896 Compilation of Cherokee Laws, he will now be listed for enrollment upon a doubtful card as a Cherokee by intermarriage, and the final decision of the Commission will be made known to him at his postoffice address.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 5th day of February, 1901.

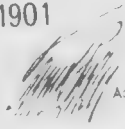
*E.C. Rothenberger*  
Commissioner.

11

B.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 5 1901

 ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

Date

1900.

Name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Year

Page

No.

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age



D1081

MARRIAGE LICENSE.

---oOo---

CHEROKEE NATION, I. T.,  
CANADIAN DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. S. W. Hutches, a citizen of the United States and Mrs. Liddy Tony, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of Office this the 11<sup>th</sup> day of Jan. A. D., 1889

H. J. Vann,  
Clerk Canadian District.

(SEAL)

CHEROKEE NATION, I. T.,  
CANADIAN DISTRICT.

I, H. J. Vann a District Clerk hereby certify that on the 11<sup>th</sup> day of Jan., 1889 I joined in Marriage, Mr. S. W. Hutchens a citizen of the United States, and Mrs. Liddy Tony a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 11 day of Jan. A. D., 1889,  
H. J. Vann Clerk  
Canadian Dist. C. N.

---oOo---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division..

Sworn to and subscribed before me this 7th day of November, 192.

  
Notary Public.

Supl.-C.D.#1081.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEE H. HUTCHINGS  
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt has not been acknowledged of Commission's letter.

Mr. Hastings, Cherokee Representative ; The Cherokee Nation moves for a continuance in this case until April 5th, in order to get an important witness they have subpoenaed and has not yet gotten her for some reason.

The request of the Cherokee Nation will be granted and case continued until the 5th day of April, 1902.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of.....

Lee H Hutchins Citizen  
for enrollment as a Cherokee Freedman

No. C D. 1087

W H Motlin J C STARK, of lawful age, being duly sworn on  
oath states that on the 22 day of March, A. D., 1902, he registered  
to Lee H Hutchins whose postoffice is Lyons

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Muskogee Indian Territory;  
and that on the 3 day of April, 1902, he received the return  
card which is hereto attached, signed by the said Lee H Hutchins, showing  
that he had received said notice.

W H Motlin  
Subscribed and sworn to before me on this the 4 day of April, A. D. 1902

J F 118  
Notary Public.

1081

COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
APR 5 1902



ACTING ATTORNEY

## NOTICE!

IN THE MATTER OF the application of  
for enrollment as Cherokee citizens:

Case No. D 1081

To Lee H Hutchins & James S. Co.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 5, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 22-1902

W. W. Hastings  
Attorneys for the Cherokee Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., April 5, 1902.

In the matter of the application of Lee H. Hutchens for the  
~~enrollment of himself as a citizen of the Cherokee Nation.~~

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt was acknowledged of the Commission's letter, but the applicant failed to respond either in person or by attorney on said date, to wit the 19th day of March, 1902. The Cherokee Nation, by its representative, moved that this case be continued until the 5th day of April, 1902, in order that the testimony might be introduced tending to disprove the right of the said Lee H. Hutchens to enrollment as a citizen of the Cherokee Nation. On this date, to wit the 5th day of April, 1902, the Cherokee Nation by its representative makes satisfactory proof of service on the said Lee H. Hutchens that it would on said day, at the office of the Commission in Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Lee H. Hutchens to enrollment as a citizen of the Cherokee Nation. Said Hutchens has this day been called and fails to respond either in person or by attorney.

LYDIA HUTCHENS, being first duly sworn, testified as follows:

(Through official interpreter S. R. Walkingstick.)

MR. HASTINGS: What is your name? A Lydia Hutchens.

Q How old are you? A 52.

Q What is your postoffice? A Bennett.

Q Did you ever marry a man by the name of Lee H. Hutchens? A Yes, sir.

Q White man? A Yes, sir.

Q Are you living together now? A No, sir.

Q How long have you been living apart? A It will be two years next month.

Q Did you leave him or did he leave you? A He left me.

Q Where did he go to? A He went to the Choctaw Nation.

Q Did he leave you at that place where you had been living before? A Yes, sir.

Q What was the cause of this separation? A I don't know of any cause at all, I don't know why he left me, whether it was my fault or what.

Q He just picked up and left? A Yes, sir, that is all.

Q You haven't lived together as husband and wife since? A Yes, sir, we have lived together since a short time; he came back and begged for us to live together again.

Q Well, did you separate again? A He took our marriage license away from me, and he says "Put your furniture and things in the wagon and I will take you over to your son's."

Q Well, did he do that? A Yes, sir, we did that. He took me over and took the things out and left them there.

Q Did he go off and leave you then? A Yes, sir, he went back home.

Q Well, how long did he live with you that time? A Just one month.

Q That is the time he got the marriage license was it? A Yes, sir.

Q Was that before the Commission was enrolling people or not around here, when you lived together that month? A Yes, sir, it was some time prior to that.

Q Does he talk Cherokee? A No, sir.

Q You are a full-blood Cherokee? A Yes, sir.

Q Do you speak English? A Yes, sir, I can talk a little.

Q How long did you live together at first, the first time? A We lived together about nine years.

Q How long was he gone before he come back the second time? A Well, when he went back to the place this second time why he staid there all summer.

Q Wait a minute, what I am trying to get is the length of time he was gone after he left her the first time before he came back the second. A He staid just about a month.

Q Does she mean staid away a month or lived together a month. How long was he gone to the Choctaw Nation after he left the first time? A Just a month.

Q Then when he come back did he live with you a month? A Why this was in the winter time when he went down in the Choctaw Nation, and after he come back it was that summer before we married, that is before we lived together again.

Q Well, did you live together about a month after he came back? A Yes, sir, just about a month.

Q Then he took you over to your son's and left you and went off? A Yes, sir.

COMMISSION: Do you give any cause for this separation at all?

A No, sir.

Q During the nine years that you had lived together as man and wife did you get along well, did you have any quarrels or disputes?

A No, sir, had no trouble whatever.

Q Did he support you well? A Yes, sir, he furnished plenty, never had any trouble at all.

Q Isn't it a fact that he left you on account of your high temper?

A The cause really I think was due to his mother, the interference of his mother and brother and sister.

Q His mother and brother? A Yes, sir.

Q Do you know where he is living now? A Well, she stated that they were all living in the same house, and the house was mine.

Q Do you know where he is living now? A He lives down in there just somewhere beyond where I live.

Q You have never procured a divorce from him have you? A No, sir.

Q Has he been living with any woman since his separation from you?

A No, sir, I don't know that he has been living with any other woman. I understood, though, that he was about to be married, married to another woman.

Q Do you know whether he ever procured a divorce from you? A No, sir, I don't know of any.

Q Since your last separation he has never made any effort to induce you to come back and live with him has he? A No, sir.

MR. HASTINGS: What did you do with the place that you was living on? A Why he sold the place, and he told me that when he was talking about selling that this was poor land, and for us to sell it, and then we could buy a better place; and after he sold it why he kept never bought any other place.

COMMISSION: Was this land sold just before the separation?

A Yes, sir.

Q Did she receive any of the proceeds of the sale? A Yes, sir, a small portion of it; he took all the money and wouldn't let me have it.

Q What did he do with it, did he buy another farm? A No, sir, he paid his debts.

MR. HASTINGS: Well, how did you get that place? A I purchased the place with my strip money.

COMMISSION: Were you ever married before you married Lee Rutchen? A Yes, sir, I had been married before.

Q How often? A Just the one time, yes, sir, and this young



man's father.

Q Married twice then? A Yes, sir.

Q Were both of those husbands dead when you married Lee Hutchens?

A Yes, sir.

JOHN TAYLOR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A John Taylor.

Q What is your age? A 30 years old.

Q What is your postoffice? A Bennett.

Q Was this your mother that just left the stand? A Yes, sir.

Q Did you know her second husband, Lee H. Hutchens? A Yes, sir.

Q How far did you live from them when they separated? A I lived, well at the time they moved in there, Lee moved my mother with me, you know, I lived about a hundred yards from him before they sold their place, you know, right there in sight when he sold the place, you know, after he give possession then he moved my mother over there with me, you know.

Q Well, where was your mother living? A Well, that is when they sold, you know, they had to give possession of that house, you know, and there was another house where I was living, you know, just a little place you know, after they give possession they moved in there with me.

Q He moved in there with you? A Yes, sir, that's where they had the plunder and stuff, you know, when that fellow went off.

Q Well, where did he go to? A He went to the Choctaw Nation as well as we can find out, you know, this fellow met him there close to Bryantown going the other way, you know, he told this fellow, and this fellow came back and told us where he was going, and after that we found out that he was over in the Choctaw Nation.

Q You didn't know when he left where he was going? A No, sir.

Q Some neighbor of yours met him down there and he told you where he was? A Yes, sir, he said he was going right towards the Choctaw Nation.

Q Well, did he come back again up there and live with your mother a while? A Yes, sir, he come back, come two or three times trying to get her to go back, and she wouldn't go, and finally made up her mind she might go back with him, and they could live better.

Q Well, did he want to take her to the Choctaw Nation? A Why I don't know, I guess not though.

Q Well, where were they when they separated the last time? A Right there close to Texanna.

Q Were they living at your place? A No, sir, when he come back he rented a place from Foster.

Q Well, did he leave her the second time? A Well, I don't know, they just packed up, and he brought her over to my place then.

Q Brought her over there and left her? A Yes, sir, put out her things, you know, I wasn't there you know, over there.

Q He brought your mother over to your place and put out the things and went off? A Yes, sir.

COMMISSION: What was the cause of that separation between your mother and Lee Hutchens? A Well, I don't know for certain, I don't know.

Q Well, do you know of any cause? A Well, the worst part of it was, I could find out, it was about Lee's mother, he kept his mother you know and his brother and sister, you know, and then just before then you know his mother tried to get him to build a house and move separate from them and he never had done it you know.

Q Your mother and Hutchens lived together about nine years didn't they? A Yes, sir.

Q Was Hutchens' mother living with him all that time? A No, sir,



his daddy was living for a good long while, I don't know how long, he finally died, then he took his mother.

Q How long was it before the separation of your mother and Hutchens that his mother came to live there with him; that is, how long was Hutchens' mother living there before this separation took place?

A It must have been three or four years, I guess, it was a good long while you know. I don't remember for certain just how long it was.

Q Did your mother always treat Hutchens with due respect? A It seems to me they got along all right before he moved his mother and them other two in with them.

Q He made you say considerable effort to get your mother to come back and live with him? A Yes, sir.

Q Well, why didn't she go? A I don't know, I never heard them talking, I never went around.

Q He always supported your mother well, did he not? A Well enough?

Q Yes, he always contributed to her support, gave her plenty to eat and plenty of clothes to wear? A Well, my mother worked awful hard, I don't know whether she got all she ought to have or not, she worked pretty hard. She got a whole lot of the grub.

Q He never abused her in any manner did he? A Well, not to my knowing, I don't know, you see I wasn't there all the time, not in my presence he didn't that I know of.

Q And when he came up and asked her to go back and live with him she did go back for a period of about one month didn't she? A I don't know just exactly, it was not very long.

Q Was his mother living there then? A Yes, sir, he had her there with him.

The record in this case is now deemed completed, and the case will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Cherokee D 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lee H. Hutchens for  
enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on February 5, 1901, Lee H. Hutchens appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On April 5, 1902, before the Commission, at its office in Muskogee, Indian Territory, the Cherokee Nation, upon due notice to the applicant, submitted further evidence relative to this application.

The evidence shows that Lee H. Hutchens was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 11, 1889, to Liddy Tony, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about nine years, and then abandoned her. The said Lee H. Hutchens is identified on the Cherokee Census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens: "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Lee H. Hutchens as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Council Member.

  
Commissioner.

Dated at Muskogee, Indian Territory,  
this JUL 20 1902.

1. 1.  
2. 2.

*[Handwritten signature]*

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIRBY.  
THOMAS B. NEWBLE.  
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

**Cherokee D-1081**

Muskogee, Indian Territory, February 28,

1902.

**Mr. Lee H. Hutchens,**

**Texana, Indian Territory,**

**Sir:-**

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**the 19th day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Register.**

Yours truly,

Acting Chairman.  
~~XXXXXXXX~~  
**Commissioner in Charge.**

Cherokee D 1001.

Indian Territory, July 29, 1902.

Lee W. Hutchens,

Texanna, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

cc:file

Commissioner in Charge.

Register.

Enc. C. No. 37.

CC-1  
Cherokee D 1081.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lee H. Hutchens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*W. H. H. H.*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 38.

COPY

Cherokee D 1031.

Muskogee, Indian Territory, July 29, 1908.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Lee H. Hutchens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*S. H. Hester*

Commissioner in Charge.

Enc. C, No. 39.



COPY.

Refer in reply to  
the following:  
Land  
45828 1898.

Department of the Interior,  
~~Office of Indian Affairs,~~  
Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Lee H. Hutchens for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant was married on January 11, 1889 to Liddy Tony, a citizen of the Cherokee Nation; and that they lived together about nine years when they separated.

The applicant states that he left her because of her high temper and that he could not get along with her. No divorce has been granted. His wife testified that she knew of no reason for the separation; that her husband left her, came back once for a short time and that he took her and her furniture to her son's house and left her there; also that he sold the farm which she had bought with her strip money and used the proceeds to pay his debts. Her son, John Taylor, 30 years of age, testified to substantially the same facts concerning the separation and states that he knows of no reason why Hutchens and his mother separated.

It seems from the evidence that Hutchens' mother and some other

members of his family were living in the same house with him and his wife and there was domestic discord for this reason; and if further appears from the evidence that Hutchens tried to induce his wife to return to the home and live with him, but she refused.

In view of these facts the office is not willing to agree with the Commission that Hutchens abandoned his wife and is therefore not entitled to be enrolled as a Cherokee citizen. The abandonment is not clearly shown, and it is therefore respectfully recommended that the Commission be directed to place his name on the Cherokee roll as a citizen by intermarriage.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 16380-1902.

57227

J. P.

L. R. S.

481

EAF.

ITD. 4974-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 24, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the matter involving the application of Lee H. Hutchens for enrollment as a citizen by inter-marriage of the Cherokee Nation, transmitted with your letter of July 29, 1902, and with the Acting Commissioner's letter of August 14, 1902.

It is shown that Hutchens was lawfully married in accordance with the laws of the Cherokee Nation in 1889, to a citizen by blood of said nation; that he lived with her about nine years, when they separated. He is identified on the Cherokee census roll of 1896. July 29, 1902, referring to section 667 of the compiled laws of the Cherokee Nation, which provides that -

"Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation,"-

you held that the evidence showed that Hutchens had abandoned his wife, and you rejected his application.

The Acting Commissioner states that he is not willing to agree with the Commission that Hutchens abandoned his wife and is therefore not entitled to enrollment.

The applicant states that he left his wife because of her high temper, and because he could not get along with her, and for

no other reason. His wife testifies that she knew of no reason for the separation; that her husband left her, came back once for a short time, and then he took her and her furniture to her son's house and left her there; that he sold the farm that she had bought with her Strip money and used the proceeds to pay his debts. Her son testified to substantially the same facts concerning the separation, and states that he knows of no reason for the separation. It appears that Hutchens's mother and some other members of his family were living with him and his wife, and that there was discord for this reason.

The Department considers that the testimony in this case warrants the conclusion reached by you, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

RMD.

Cherokee D 1061.

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Lee N. Hutchens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 24, 1902.

Respectfully,

*Tamie Dix:*

Acting Chairman.

O  
Cherokee D 1061.

Muskogee, Indian Territory, October 9, 1902.

Lee H. Hutchens,

Texanna, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 24, 1902.

Respectfully,

*James D. Cox.*

Acting Chairman.

Cherokee R-716

Muskogee, Indian Territory, November 12, 1902.

Lee W. Hutchens,

Texanna, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on January 11, 1889, to Mrs. Liddy Toney.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-9





Cher R 717

Cher R 717

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., FEBRUARY 20th, 1901.

IN THE MATTER OF THE APPLICATION OF Martha Swift for enrollment as a citizen of the Cherokee nation, and she being sworn and examined by ~~the~~ Commissioner, T. B. Needles testified as follows:

Q What is your name? A Martha Swift.  
Q Any middle name? A No, sir.  
Q What is your age? A Fifty two.  
Q What is your Postoffice address? A Gerard, Kansas.  
Q Do you reside in the State of Kansas? A Yes, sir.  
Q For whom do you apply for enrollment? A Myself.  
Q Any one else? A No, sir.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q By blood or intermarriage? A By blood.  
Q Is your name on the roll of 1880? A No, sir.  
Q Does your name appear on any of the rolls of the Cherokee nation?  
A In 1888 I believe it was I was readmitted.  
Q Have you any papers there? A Yes, sir; I have a copy of my certificate; it has disappeared some way and I can not get hold of it just at present.

Com'r. T. B. Needles: The applicant presents a certified copy of a certificate of admission to Cherokee citizenship, dated at the office of the Commission on Citizenship, Tahlequah, April 26th, 1887, signed by J. T. Adair, Chairman of the Commission, John R. Gunter, Commissioner and D. W. Lipe, Commissioner; approved and endorsed by W. H. Mayes, Executive Secretary of the Cherokee Nation, under the Great seal of the Cherokee nation, certifying that among others, one Martha Swift, of Gerard, Kansas was admitted to Cherokee citizenship on the 19th day of April, 1887.

Q In the paper you present Mrs. Swift, I find the name of Martha Swift; age twenty nine: Are you the identical Martha Swift mentioned in this certificate? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I was born here and went away in 1863 and married in Kansas and I have been there more or less ever since.  
Q You have not had a residence in the Cherokee Nation since 1863?  
A No, sir; I have not.

1896 Census Roll of citizens of the Cherokee Nation examined and the name of the applicants is found thereon as follows:  
Page 70, #1928, Martha Swift, Canadian District.

Com'r. T. B. Needles: The name of the applicant is found upon the census roll of 1896; she presents satisfactory proof of her admission to Cherokee citizenship, more particularly described in the testimony. From the fact that the testimony shows that she has not been a resident of the Cherokee nation since 1863, final judgment as to the enrollment of the said Martha Swift will be suspended and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of February, 1901.

COMMISSIONER.

LB



FLC

1

## CHEROKEES BY BLOOD AND ADOPTION.

Date FEB 20 1901 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year 1890

Page 70

No. 1728

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

R.

C. D-1119.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Martha Swift for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:

J. M. Givens, attorney for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 19th day of March, 1902. On said date the applicant appeared by her attorney J. M. Givens, and by agreement the case was continued until the 22nd day of March, 1902. The same being this date, to-wit: the 22nd day of March, 1902, the applicant appears in person and by her attorney, J. M. Givens, Muskegee, I. T.

It is directed that a copy of the certificate of re-admission filed in the case of Frank T. Swift, Cherokee No. D-228, be filed with and made a part of the record in this case.

The certificate of re-admission is as follows:

Exhibit "A".

Martha Swift.

Office Commission on Citizenship.  
Tahlequah, C..., April 26<sup>th</sup> 1887.

| No.<br>Docket, Family                          | Age | Sex   | Attorney.                                   |
|--|-----|---|---|
| 1 Martha Swift,                                | 39  | Female  | Girard, Kansas.                             |
| 2 Frank T. Swift                               | 20  | Male  |   |
| 112 3 Ben W. Swift,                            | 19  | Male  |   |
| 4 James F. Swift,                              | 17  | Male  | Applicant for<br>Cherokee citi-<br>zenship. |
| vs.  |     |   |   |
| Cherokee Nation,<br>Filed April<br>16th, 1887. |     | Rolls of 1835.<br>Ancestor.<br>Pelly Sanders/ |   |

Now on this the 19th day of April, comes the above named case for final hearing, and having made application pursuant to the provisions of an "Act" of the National Council approved December 8th, 1886, and all the evidence being duly considered and found to be sufficient and satisfactory to the Commission, it is adjudged and determined by the Commission that Martha Swift, Frank T. Swift, Benj. W. Swift, James F. Swift, are Cherokee by blood and they are hereby re-admitted to all the rights, privileges and immunities of Cherokee citizens by blood.

And a certificate of said decision of the Commission and of re-admission was made and furnished said parties accordingly.

J. T. Adair, Chairman of Commission,  
John E. Gunter, Commissioner,  
D. W. Lips, Commissioner.

C. G. Lips,  
Clerk Commission.

I, W. H. Mayes, Asst. Executive Secretary, do hereby certify that the above is a true and correct copy of page 113, docket of Commission on Citizenship, Book "A" of 1887.

This the 30th day of November, 1897.

W. H. Mayes,

Asst. Executive Secretary.

(Seal)

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OFFICE OF COMMISSION ON CITIZENSHIP.

TAHEQUAH, CHEROKEE NATION.

TO WHOM IT MAY CONCERN-- GREETING:

THIS IS TO CERTIFY That the following named, to-wit: Martha Swift, female, age 39 years, Frank T. Swift, male, age 20 years, Benjamin F. Swift, male, age 19 years and James F. Swift, male, age 17 years, did, pursuant to the provisions of an act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled, "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 19th day of April, 1887; that the proof submitted by the above named Martha Swift in support of her said application has been found, and is hereby declared and certified to be, sufficient and satisfactory to the said Commission, according to the requirements of section seventh of said act of the National Council, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth section of said act, the above named parties (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said fourteen section, to the rights and privileges of Cherokee citizenship, under section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission, and of re-admission by Council, is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Commission, this the nineteenth day of April, 1887.

(Signed) J. T. ADAIR,  
Chairman Com. on Citizenship.

ATTEST:

(SEAL OF  
THE CHEROKEE  
NATION.)

(Signed) Henry Kiffert,  
Clerk Commission on Citizenship.

Approved and endorsed:

R. O. TRENT,  
Asst. Ex. Secy. C. N.

(Signed) D. W. BUSHYHEAD,  
Principal Chief.

MARTHA SWIFT, being first duly sworn, and being examined, testified as follows:

MR. GIVENS: State your name. A Martha Swift.  
Q What is your post office address? A Girard, Kansas.

Q Do you own a farm and improvements on land in the Cherokee Indian Nation? A Yes sir.

Q Where is the farm located?

A Twelve miles southeast of Muskogee.

Q How long have you owned this farm? A About five years, I think.

Q Who has been in charge of this farm for you?

A My son, Frank T. Swift.

Q Have you ever abandoned your residence in the Cherokee Nation?

A No sir.

MR. HASTINGS: I object to the question. I think it is a question of law for the Commission to decide.

MR. GIVENS: How often have you been in the Cherokee Nation since you were re-admitted to citizenship?

A About twice a year in the last fifteen years. On an average twice a year.

Q For what purpose did you make these semi-annual visits to the Indian Territory?

A To see how my son is getting along with this work here and visit them, and retain my relationship with the Territory, and of course with the Cherokee Nation.

Q Why were you away in the State of Kansas?

A My husband's business was there, and of course I had to remain with him until he was willing to come with me. We have always intended to come, but he has been occupied there in business, and wanted me to be with him.

Q Was your residence in the State of Kansas a temporary residence or a permanent residence?

A It was temporary. I have always felt it so. I consider this my home, and never abandoned my intention of coming back.

Q Were you born in the Indian Territory? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q In your answer to a question which asked you by the Commission on the 20th day of February, 1901, when there was a former hearing in the matter of your application for enrollment, I note that you were asked this question: You have had a residence in the Cherokee Nation since 1863. And that your answer was, No sir, I have not. What did you mean by that?

A I meant that I had not resided here, of course, because I had no permanent residence here. But I had some property here. My son took up some land for me with his own, and he has raised some cattle for me.

Q You return to visit your son and look after your landed property about twice each year?

A Yes sir, it has averaged that, about, since he has been here, for fifteen years since I first came back.

Q Where did you regard your home, in the Cherokee Nation or Kansas?

A In the Cherokee Nation.

Q Your husband, you stated, was engaged in business in Girard, Kansas.

A Yes sir, and other places in Kansas.

Q He would not return with you at the time?

A No, of course that has always been our intention, but he had better employment there than here, and of course as long as he is able to work he has worked at this trade. It has always been the understanding that some future time we would return.

MR. HASTINGS: What does your husband do? A He is a printer.

Q Working at the trade there? A Yes sir.

Q Own your own home there? A He owns a house and lot, yes sir.

Q How long have you lived there? A Been in Girard 18 years.

Q You never have lived here? A Not since I was a child.

Q Not since you were admitted? A No.

Q You live up there now? A Yes sir.

Q Get your mail there? A Yes sir.

Q How far is Girard, Kansas, from the Cherokee line?



A I don't know, about forty miles, I think.  
 Q You come down here once or twice a year to visit your son, and look after the property interests you have here? A Yes sir.  
 Q Then you go back up there? A Yes sir.  
 Q Your husband is up there, and has his property there? A Yes sir.  
 Q He exercises the rights of citizenship up there? A Yes sir.  
 Q Votes and participates in the elections? A Yes sir.

FRANK T. SWIFT: being first duly sworn, and being examined, testified as follows:

MR. GIVENS: What is your name. A Frank T. Swift.  
 Q Your age and residence? A Thirty-five years, live in Muskogee.  
 Q Are you a recognized citizen of the Cherokee Nation?  
 A Have been since 1886. I lived there before that. I think it was 1886.  
 Q You have a certificate of re-admission? A Yes sir.  
 Q Are you acquainted with the applicant, Mrs. Martha Swift, who has just testified? A Yes sir.  
 Q What relation is she to you? A My mother.  
 Q Are you holding any lands for the applicant, your mother?  
 A Yes sir.  
 Q Where are those lands situated?  
 A About twelve miles south of here  
 Q In the Cherokee Nation? A Yes sir, Canadian District.  
 Q How long have you held this land for her?  
 A Ever since I first bought the place, about five years ago, if not a little over.  
 Q Is this land improved or unimproved?  
 A Partly improved and partly unimproved. Some of it is pasture, some in hay and grain, and some farming.  
 Q Has the applicant, Mrs. Swift, any stock on this farm?  
 A Yes sir, four or five head, belong to my mother.  
 Q Do you know of her visits to the Indian Territory? A Yes sir.  
 Q Within the last five or ten years, how frequently has she visited the Indian Territory, to your knowledge?  
 A Twice or three times a year. Never paid much attention to it, though. She came down there every once in a while, whenever I want her, and whenever she wants to.  
 Q Do you know whether or not she regarded the Cherokee Nation as her home? A Yes, always talked to me like she did, ever since I was a kid.  
 Q Were you in good faith holding the land as her agent? A Yes sir.  
 MR. HASTINGS: In whose name were they purchased? A Mine. I bought it myself of Cravens.  
 Q Is it in your name? A Yes sir.  
 Q Not in hers? A No. When I bought it I just simply put a few acres in improvements for her.  
 Q You inclosed the ground you intended to give your mother?  
 A Yes sir.  
 Q That is the idea? A Yes sir.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson



L.

201119

Reverend Father, I am very glad to hear  
from you and hope you are well.

I am very glad to hear from you and hope  
you are well.

Cherokee D 1119.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Swift for  
enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

—oOo—

The record in this case shows that on February 20, 1901, Martha Swift appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that the said Martha Swift was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on April 19, 1887. She is identified on the 1896 Census roll of the Cherokee Nation.

The evidence further shows that the said Martha Swift has resided in the State of Kansas ever since 1863; that she was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898, nor was she a resident of said Nation or Territory at the date of the application herein.

Paragraph 9 of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ 1902

Cherokee D 1119.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on February 20, 1901, Martha Swift appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902. The record further shows that on July 29, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department August 29, 1902; that on March 12, 1903, a motion was filed in behalf of the applicant to reopen said case; and on May 1, 1903, the Department remanded its former action in the matter of said application and remanded said case to the Commission for readjudication.

The evidence further shows that about the year 1863 the applicant removed from the Cherokee Nation to the State of Kansas, and married; that she never afterwards returned to the Cherokee Nation to live, but continued to reside with her husband in Kansas from the time of her marriage up to and including the date of her application herein; that during their residence in said state she and her husband have reared a family and he has voted and exercised rights of citizenship there; that in 1897 her son purchased the right of occupancy of a tract of land in the Cherokee Nation taking the title in his own name; that he set apart a few acres of said tract for the applicant; and that she has four or five head of stock upon said land, but it does not appear that she owned said stock prior to June 23, 1898. With that exception, she has never owned any property or effects in the Cherokee Nation since her removal therefrom; and it is apparent from the evidence that she intended

-2-

to assume the residence and political status of her husband.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Elizabeth C. Payne (I.T.D.1108-1903), that the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation should be denied, under the provisions of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*SSICOM*

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Commissioner.

*C. J. ...*

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

this MAR 10 1904

RECEIVED  
FEB 28 1902

A handwritten signature, possibly "J. H. [unclear]", written in dark ink.

ACTING CHAIRMAN

A 228

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1119

CHEROKEE NATION  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 28,

1902.

Mrs. Martha Swift,

Girard, Kansas,

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**on the 19 day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You are required to supply the Commission with your certificate of readmission to Cherokee citizenship**

Register.

Yours truly,

Acting Chairman.

~~Commissioner in Charge.~~  
Commissioner in Charge.

Cherokee D 1119.

CCF

Muskogee, Indian Territory, July 29, 1902.

Martha Swift,

Girard, Kansas.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorneys, Givens & Jackson, Muskogee, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 26.



Cherokee D 1119.

Muskogee, Indian Territory, July 29, 1902.

Givens & Jackson,  
Attorneys for Martha Swift,  
Muskogee, Indian Territory.

Sirs:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 27.

Cherokee D 1119.

Muskogee, Indian Territory, July 13, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 28.

Cherokee D 1119.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*E. Needles*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs,

1 Inclosure-

C. No. 29.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

The applicant was re-admitted to Cherokee citizenship by the tribal authorities April 19, 1887. It further appears that she has resided in the State of Kansas continuously since 1863.

The Commission is therefore of the opinion that it had no power to enroll her. The office agrees with that conclusion and respectfully recommends that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14506-1902.

L. R. S.

51785

EAF.

ITD. 4992-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Martha Swift as a citizen of the Cherokee Nation.

It is shown by the evidence that she was admitted to Cherokee citizenship in 1887; that she has resided in the State of Kansas ever since 1863; that she is identified on the Cherokee census roll of 1896. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied her application.

The Acting Commissioner of Indian Affairs forwarded the papers August 14 and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD

Cherokee D 1119

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*James D. Dyer*  
Acting Chairman.

CHEROKEE D 1116

Muskogee, Indian Territory, October 7, 1902.

Givens & Jackson,

Attorneys for Martha Swift,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Martha Swift for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

James D. Dyer,  
Acting Chairman.

COPY.

Cherokee D 1116

Muskogee, Indian Territory, October 7, 1902.

Martha Swift,

Girard, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

*W. B. Smith*  
Acting Chairman.



D. C. 15306-1903

27967

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 4998-1902.

~~DATE-1903~~

L. R. S. 3446- "

May 1, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation, as it appeared that she had resided in Kansas since 1863.

A motion to reopen the case has been filed.

As the points involved are similar to those in the case of Joseph D., Scott A. and Marjorie C. Yeargain, which was the subject of the Assistant Attorney General's opinion of March 16, 1903, in view of said opinion and several decisions rendered since that time, the decision of August 29, 1902 is hereby rescinded, and the case remanded for further proceedings and readjudication in accordance with the present rulings of the Department.

The testimony and your decision attached thereto are returned herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee R-117

Tahlequah, Indian Territory, May 27, 1903.

Martha Swift,

Girard, Kansas.

Dear Madam:

You are hereby notified that on May 1, 1903, the Secretary of the Interior reopened, for the purpose of taking further testimony, your application for enrollment as a citizen by blood of the Cherokee Nation. You are advised that any further testimony you may have to introduce, tending to establish your right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to your residence.

It appears from the record in your case that a motion to reopen was filed by Kimball & White, Attorneys at Law, Washington, D.C., while in the original application for your enrollment, the record shows that you were represented by Givens and Jackson. You are requested to advise the Commission whether Givens and Jackson, or Kimball & White, or both of these firms now represent you as attorneys.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MYK

Cherokee R-417

Tahlequah, Indian Territory, May 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Martha Swift for enrollment as a citizen of the Cherokee Nation, Cherokee R-417 (D-1119).

The applicant has this day been advised that any further testimony she may have to produce, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

WFM

Cherokee R-17

Tahlequah, Indian Territory, May 27, 1903.

Givens & Jackson,

Attorneys for Martha Swift,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Martha Swift for enrollment as a citizen of the Cherokee Nation.

The applicant has this day been advised that any further testimony she may have to introduce, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Residence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MM

Cherokee R-717

Tahlequah, Indian Territory, May 27, 1903.

Kimball & White,  
Attorneys at Law,  
416 Fifth Street N.W.,  
Washington, D.C.

Gentlemen:

You are hereby notified that on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Martha Swift for enrollment as a citizen of the Cherokee Nation.

The applicant has this day been advised that any further testimony she may have to introduce, tending to establish her right to enrollment as a citizen of the Cherokee Nation, can be introduced before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MPM

Tahlequah, Indian Territory, June 3, 1903

Martha Swift,

Girard, Kansas.

Dear Madam:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of your application for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ

Cherokee R-717

Tahlequah, Indian Territory, June 3, 1903

Givens & Jackson,

Attorneys for Martha Swift,

Muskogee, Indian Territory.

Gentlemen:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Martha Swift for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ

Cherokee R-717

Tahlequah, Indian Territory, June 8, 1903

Kimball C. White,  
416 7th St., N.W.,

Washington, D. C.

Gentlemen:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Martha Swift for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ



Cherokee R 717

Muskogee, Indian Territory, June 14, 1904.

Martha Swift,

Girard, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee 2 717

Muskogee, Indian Territory, June 16, 1904.

Givens & Jackson,  
Attorneys for Martha Swift,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee R 717

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Martha Swift as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

INDEXED:

Cherokee Land Office,  
Tahlequah, I. T.,  
July 12, 1903.

Transmits jacket, record and  
card in case of Martha Swift,  
Cherokee A 717.

C. W. K.

COMMISSIONER  
JAMES B. HAY  
THOMAS B. NIELSEN  
C. R. BRECKENRIDGE  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

309  
REFER IN REPLY TO THE FOLLOWING

Cherokee K-717

ALLISON L. AYERSWORTH  
SECRETARY

Tahlequah, Indian Territory, July 19, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith the jacket, record and card in the matter of the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

This case was, on May 1, 1903, reopened by the Secretary of the Interior and remanded to the Commission for further proceedings and readjudication. The record was forwarded to this office for the purpose of giving the applicant and the Cherokee Nation an opportunity to introduce any further testimony they might have.

The parties were notified that on July 11, such testimony could be introduced. There was no appearance on that day, either by the applicant or the Cherokee Nation, and the attorneys for the applicant have written the Commission that they do not desire to introduce further testimony.

The case is forwarded to the central office for the purpose of preparing a decision.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge  
Cherokee Land Office.

NFM

Enc. M-44

0056

Cherokee R 717

Muskogee, Indian Territory, March 18, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-43

Commissioner in Charge.

copy

Cherokee R 717

Muskogee, Indian Territory, March 18, 1904.

Martha Swift,

Girard, Kansas.

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated March 10, 1904, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorneys, Givens & Jackson, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

Encl. V-42

Commissioner in Charge.

Registered.

Cherokee R 717

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation, including the Commission's decision dated March 10, 1904, rejecting said application.

Respectfully,

Encl. V-45

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.



Cherokee R 717

Muskogee, Indian Territory, March 12, 1904.

Givens & Jackson,  
Attorneys for Martha Swift,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting the application of Martha Swift for enrollment as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-44

Registered.

Commissioner in Charge.

COPY

Refer in reply to the following:

Land 19430-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, May 27, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated March 18, 1904, transmitting the record of the application of Martha Swift for enrollment as a Cherokee citizen.

July 29, 1902, the Commission found that the applicant was not entitled to enrollment as a Cherokee citizen, which was approved by the Secretary of the Interior August 29, 1902. May 1, 1903, on motion of the applicant the Department rescinded its action and remanded the case to the Commission for readjudication. March 10, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee citizen.

The evidence shows that the applicant was born in the Cherokee Nation about the year 1849 and removed therefrom in 1863 and married outside of the Nation sometime prior to 1866; that for the past 18 or 20 years she has lived in Girard, Kansas, with her husband who is shown to be a citizen and freeholder of that State. It is further shown that the applicant was readmitted to citizenship in the Cherokee Nation on April 19,

1887, being then 38 years of age and married in Kansas. She is identified on the 1896 census roll of the Cherokee Nation.

It is further shown that her son, Frank T. Swift, aged 35 years, was readmitted to citizenship April 19, 1887; that he purchased land in the Cherokee Nation in 1896 and that he gave a portion of the same to the claimant and that she had four or five head of stock on the same; that she has visited there since her son has been in the nation an average of twice a year. It is further shown that the applicant has not been an actual resident of the Cherokee Nation since the year 1863, but has been a constant resident of the State of Kansas since that date.

An Act of the Cherokee National Council, approved December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months after the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided, That nothing in this act shall bar minors and orphans."

It is manifest from the record in this case that the applicant has not permanently located within the limits of the Cherokee Nation at any time since her readmission fourteen years prior to this claim.

The fact that her son states that he has given the claimant a part of his farm cannot be considered such a location in view of the fact that this claimant has had a home with her husband in the State of Kansas for thirty-five years.

The Department held March 17, 1903, in a somewhat analogous case (I.T.D.1168-03) in the application of Elizabeth C. Payne for enrollment as a citizen by blood of the Cherokee Nation that "the presumption is that she intended to assume the residence and political status of her husband."

In view of the record, the approval of the Commission's decision of March 10, 1904, adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MM  
C

D.C. 18825-1904  
I.T.D. 4384-1904  
L.R.S.

J.P.  
F.H.E

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

June 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

March 18, 1904, you transmitted the record in the matter of the application for the enrollment of Martha Swift (R.717) as a citizen by blood of the Cherokee Nation, including your decision of March 10, 1904, rejecting said application.

Reporting in the matter May 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectrully,

( Signed )

Thos Ryan.  
Acting Secretary

1 inclosure.

Cher R 718

Cher R 718

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 14, 1901.

In the matter of the application of Louis R. Hart for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Louis R. Hart.  
Q What is your age, Mr. Hart? A 33.  
Q What is your postoffice address? A Chouteau.  
Q What district do you live in? A Cooweescoowee.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood or intermarriage? A Intermarriage.  
Q Who do you desire to enroll? A Myself.  
Q Nobody, but yourself? A No sir.  
Q Just yourself? A Yes sir.

Applicant presents a marriage license and certificate of marriage certifying that he was married to one Miss Susie Glenn, a Cherokee citizen, on the 14th day of July, 1889.

- Q Your wife living? A Yes sir.  
Q You living with her? A No sir.  
Q What is her father's name? A Jesse Glenn.  
Q He living? A Yes sir.  
Q What is her mother's name? A Margaret Glenn.  
Q She living? A No sir, she's dead.  
Q You know the age of your wife? A She's 34.

The 1880 authenticated roll of the Cherokee Nation examined, and the name of the applicant's wife is found thereon on page 435, No. 758, as Susan Glenn, Goingsnake District.

The 1896 census roll of the Cherokee Nation examined, and the name of the applicant is not found of record thereon.

- Q Is your name on the roll of 1896, you know? A No sir.  
Q How long have you lived in the Cherokee Nation? A About 14 years.  
Q You were married in July, 1889? A Yes sir.  
Q How long did you live with your wife? A Nearly two years.  
Q You are separated from her? A Yes sir.  
Q Did she abandon you, or did you abandon her? A She abandoned me.  
Q Have you married since? A No sir.  
Q When did you separate; in about '91? A Yes sir.  
Q Where were you living about the time of the separation? A Goingsnake district.  
Q Living on her place? A Yes sir, I was just putting in a new place.  
Q What was the cause of the separation? A She said marriage life didn't suit her.  
Q Did she leave you? A Yes sir.  
Q Did you try to get her to return? A Yes sir, I talked with her.  
Q Did you ever have a divorce? A Yes sir.  
Q Who applied for the divorce? A She did.  
Q Did you defend it? A No sir, I was just waiting for her to have the divorce.  
Q Did she get the divorce in the Indian Court or United States Court? A Indian Court.  
Q Have you any children? A One.  
Q Who has the child? A She has it.  
Q You know the reason why your name does not appear on the roll of 1896? A I was out in the Comanche country in '96, and when I come back I didn't go to have it enrolled.

DEPARTMENT OF THE IN.  
COMMISSION TO THE FIVE CIV.

SES

**FILED**  
MAR 15 1961

*[Handwritten signature]*



2- L.R.H.

Q Been living here continuously since that time? A Yes sir; been out about four months.

Q Was Susie Glenn your first wife? A She never was married before.

Q Were you ever married before? A No sir.

Q And she wasn't married before? A No sir.

Commissioner Needles-

The name of Louis R. Hart cannot be found upon the census roll of 1896. He makes satisfactory proof of his marriage to one Susie Glenn, a Cherokee citizen by blood, on July 18th, 1889, and the name of Susie Glenn is found upon the authenticated roll of 1880 as per page and number of the roll indicated in the testimony. He avers that he has separated from his wife. By reason of the fact of the separation, final judgment as to the enrollment of the said Louis R. Hart as a Cherokee citizen by intermarriage will be suspended, and his name will be placed upon a doubtful card.

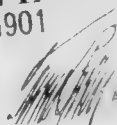
The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 14th day of March, 1901.

  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
MAR 13 1901

A handwritten signature in dark ink, appearing to be 'H. C. ...', written over the typed name 'H. C. ...'.

ACTING CHAIRMAN

**CHEROKEES BY BLOOD AND ADOPTION.**

*2005*

*23*

1 Name *Louis R. Hart.*

Date

*Mich. 14* 1900.1  
*Chautauque*

District

Year

Page

No.

Citizen by blood

*no*

Mother's citizenship

Intermarried citizen

*yes*

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

S U P P L E M E N T A L   T E S T I M O N Y .

D.#1143.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE? I.T., MARCH 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
LOUIS R. HART as a citizen of the Cherokee Nation.

J. E. GLENN, being sworn and examined by Commissioner Needles,  
testified as follows:

- Q What is your name? A J. E. Glenn.  
Q What is your age, Mr. Glenn? A 49.  
Q What is your post office address? A Vinita.  
Q Do you know Louis R. Hart? A Yes, sir.  
Q How long have you known him? A I have known him for quite a  
while, he was once a son-in-law of mine.  
Q Do you know his wife, Susan? A Yes, sir, Susan E. I guess.

BY J.C. STARR, Cherokee Representative:

- Q Were you present when a decree of divorce was granted to Susan  
Hart from Louis R. Hart? A Yes, sir.  
Q Do you know what the allegations were in that complaint? A  
Cruel treatment I think were the charges.  
Q Any others? A I don't remember; cruel treatment I think; I  
believe that he was charged with wilful desertion, that is my  
recollection; I would not be positive ~~not~~ about this willful deser-  
tion; cruel treatment I know was in the allegation.  
Q Any other facts in connection with it that you know of your own  
knowledge; in connection with the cause of their separation and  
divorce? A I know that he was cruel to her and didn't provide  
for her and that is the reason he was charged with cruel treat-  
ment.

---000000:00---

J. O. Fosson, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

  
Subscribed and sworn to before me this 20th day of March, 1901.



Commissioner.

22-3 E

Filed by Representative  
of the Cherokee  
Nation.

Don't return  
DEPARTMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
APR 4 1901

*[Signature]*  
Acting Clerk

Do not return as above.

above case to be found in this office.

not return as above. I will further certify that there is no citation returned on

Cherokee Nation.

Assistant Executive Secretary.

1001 North 10th Street

and notify Secretary of the Cherokee Nation

Susan Hart Vs Lewis Hart, Suit for a divorce.

Judgement is declared by the court in default of defendant not appearing and the bonds of matrimony is dissolved that existed between Susan Hart and Lewis Hart at defendants cost Sept the 5th 1892.

J.R.Garrett, Clerk.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Circuit Court of Going Snake District Cherokee Nation now filed in this Office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 29th day of March 1901.

*B. W. Alberty*

Assistant Executive secretary.

Cherokee Nation.

X  
I will further certify that there is no Citation belonging to above case to be found in this Office.

Day and date as above.

*B. W. Alberty*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., March 20, 1902.

In the matter of the application of Louis R. Hart for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902. The applicant has this day, to wit the 20th day of March, 1902, been called, and fails to respond either in person or by attorney. Receipt has not been acknowledged of the Commission's letter.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr, age 31, post-office Vinita, I. T. On the 12th day of March a registered letter containing notice to Louis R. Hart at his postoffice at Chouteau, Indian Territory, to the effect that the Cherokee Nation would on the 20th day of March, 1902, introduce testimony against him contesting his right to enrollment. I have heard nothing further from the registered letter.

I. P. BLEDSOE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I. P. Bledsoe.  
Q What is your age? A 35.  
Q What is your postoffice? A Chouteau.  
Q Are you pretty well acquainted in the vicinity of Chouteau? A Yes, sir.  
Q Do you know this applicant, Louis R. Hart? A No, sir.  
Q Is he living around in that country? A No, sir, not that I know of.  
Q Did you make any inquiries up there as to where he was? A The postmaster asked me, he said he had a registered letter there, and knowing that I was pretty well acquainted around that country, and said he had attempted to try to find him, and that he couldn't possibly find him.

MR. HASTINGS: Comes now the Cherokee Nation, after introducing the above testimony, and asks permission to introduce testimony against the right of Louis R. Hart to be enrolled as a citizen of the Cherokee Nation by intermarriage without further notice.

COMMISSION: The request of the Cherokee Nation will be complied with, and the testimony heard.

SUSAN E. TROTH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Susan E. Troth.  
Q What was your name before it was Troth? A Susan Glen.  
Q Were you formerly married to the applicant, Louis R. Hart? A Yes, sir.  
Q How long did you live with him? A We lived together about fifteen months.  
Q Did you afterwards separate? A Yes, sir, he abandoned me, went away, left me.

Q Where did he leave you? A He left me on Nessetop Prairie.  
 Q Was it your place? A No, sir, that wasn't our place.  
 Q A rented place was it? A Yes, sir.  
 Q Did he leave you or you leave him? A He left me.  
 Q Did you ever see him after that? A Yes, sir.  
 Q You didn't live together as husband and wife? A No, sir, we did not.  
 Q Well, how long did you continue to remain there? A About three weeks.  
 Q He never came back? A My father took me away to his home.  
 Q Did you afterwards bring suit against him for divorce? A Yes, sir.  
 Q On what ground? A On the ground of non-maintenance and abandonment.  
 Q Did you get a divorce? A Yes, sir.  
 Q Granted, was it? A Yes, sir, granted to me.

COMMISSION: The applicant this day, to wit the 20th day of March, 1908, having been called and failing to respond, it is deemed the case is completed, and the case will be reported to the Commission for final decision based upon the evidence now on record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Arthur G. Croninger)



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louis R. Hart for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on March 14, 1901, Louis R. Hart appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 20, 1901, and on March 20, 1902.

The evidence shows that the said Louis R. Hart was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on July 14, 1899, to Susie Glenn, a citizen by blood of the Cherokee Nation. It further appears from the evidence that said Louis R. Hart lived with his wife about two years following their marriage; that they then separated and that on September 3, 1892, the said wife obtained a divorce from the applicant. The wife testifies that the said Louis R. Hart abandoned her.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 425) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 467 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Louis R. Hart abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

*[Signature]*  
Acting Chairman.

*[Signature]*  
Commissioner.

*[Signature]*  
Commissioner.

Dated at Muskogee, I. T.

this Jul 29 1902

D1143

Cherokee Nation By the authority in me Vested By Law I, do, Going Snake District, hereby grant license of marriage unto L. R. Heart a citizen of the United States for to marry Miss Susie Glenn a Cherokee Woman by blood, he the said L. R. Heart, having presented to me a certificate of good moral character signed by 10 Cherokee by blood, now the said L. R. Heart, having complied with the inter marriage law governing marriage with white men & foreigners, I have this day, July 19th granted said L. R. Heart, the above license To any Person legally authorized to solemnize marriage Rites you are hereby authorized to solemnize the marriage Rites between Mr. L. R. Heart and Miss Susie Glenn given from under my Hand and official Seal this the 15th day of July 1899.

J. R. Wright Clerk  
of Going Snake District.  
C. E.

(SEAL)

Over

This is to certify that I have this day, joined the within named Parties in the Holy Bonds of Wedlock, Mr. L. R. Heart, a citizen of the U. S. and Miss Susie Glenn a Cherokee Woman by blood.

J. R. Wright Clerk  
of Going Snake District, C. E.

I hereby certify that the within license was Recorded by me July 16th day 1899, and is now on file in this office.

J. R. Wright Clerk  
of Going Snake District, C. E.

(SEAL)

---00---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 7th day of September, 1902.

  
Notary Public.

MAR 1

---

2

10

MAR 10

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY

THOMAS B. NEEDLES  
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING.

**Cherokee D-1143**

Muskogee, Indian Territory,

1902.

**March 1,**

**Mr. Louis Hart**

**Chouteau, Indian Territory,**

**Sir:-**

You are hereby notified that the application of

**yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 30, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

**, that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Register.**

Yours truly,

Acting Chairman.

~~XXXXXXXXXX~~

**Commissioner in Charge.**

Cherokee D 1143.

COPY

Muskogee, Indian Territory, July 29, 1902.

Louis R. Hart,

Chouteau, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*L. F. ...*  
Commissioner in Charge.

Register.

Enc. C. No. 127.

COPY

Cherokee D 1143.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Louis R. Hart for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*C. F. Hedges*  
Commissioner in Charge.

Enc. C. No. 126.

Cherokee D 1143.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Louis R. Hart for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*I. F. Edies.*  
Commissioner in Charge.

1 Inclosure-

C. No. 129.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Louis R. Hart for enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission found from the evidence that the applicant married Susie Glenn, a Cherokee citizen, in accordance with Cherokee laws on July 14, 1889; that he lived with her about two years, and that they then separated; that on September 5, 1892 the wife obtained a divorce from the applicant, and it found in effect that he abandoned her within the meaning of section 667 of the Compiled Laws of the Cherokee Nation (1892), as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The applicant on March 14, 1901, testified to his marriage and to the death of his wife; also to their separation, stating that he did not abandon her but that she abandoned him, giving as her reason therefor that married life did not suit her.

J. E. Glenn testified March 20, 1901, that he was present when the decree of divorce was granted Susan Hart from Louis R. Hart;



that the allegations in the complaint were cruel treatment and, he thinks, wilful desertion; but he is not positive about the latter charge, although he is positive that cruel treatment was charged. He testified that he knew "he was cruel to her and didn't provide for her and that is the reason he was charged with cruel treatment."

Susan E. Troth, nee Glenn, who was formerly married to Louis R. Hart testified that she and her husband lived together about fifteen months, when he abandoned her, and she secured a divorce on the grounds of non-maintenance and abandonment. Copy of the decree granting her divorce is with the record, but it does not show the ground upon which the divorce was granted.

The evidence in this case does not entirely satisfy the office that the applicant abandoned his wife, but the fact that an attempt was made to notify him to be present at an adjourned hearing and that he could not be found is, the office believes, supportive of the charge of abandonment -- to some degree, at least. He certainly has no equitable right to enrollment in the Cherokee Nation, and it appears that the burden of showing a clear right is upon him. He has not shown such right, and therefore the office respectfully recommends that the decision of the Commission refusing to enroll the applicant, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

1143  
D. C. No. 14517-1902.

L. R. S.

51764

EAF.

ITD. 4923-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 12, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of July 29, 1902, submitting the record in the matter of application of Louis R. Hart for enrollment as an intermarried Cherokee citizen. The Acting Commissioner recommends that your decision denying the application be approved. A copy of his letter is inclosed.

It appears from the evidence that Louis R. Hart, a white man, married in accordance with Cherokee law one Susie Glenn, a Cherokee citizen by blood, on July 14, 1889; that they lived together about two years, then separated, and on September 5, 1892, she obtained a divorce from him on the grounds, as she alleges, of non-maintenance and abandonment. Section 667 of the compiled laws of the Cherokee Nation declares that

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

You found that applicant abandoned his wife, and denied his application.

The department affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.  
EMD.

Cherokee D 1143.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Louis R. Hart for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cherokee D 1143.

Muskogee, Indian Territory, September 17, 1902.

Louis R. Hart,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cherokee R-718

Muskogee, Indian Territory, November 12, 1902.

Louis R. Hart,

Choteau, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on July 14, 1889, to Miss Susie Glenn.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-7



Cher R 719

Cher R 719

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 28, 1901.

In the matter of the application of Robert C. Martin for the enrollment of himself and one child as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert C. Martin.  
Q What is your age, Mr. Martin? A 24 years old.  
Q What is your postoffice address? A Rheas Mills, Texas.  
Q You reside in the State of Texas? A I do now, yes sir.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood? A Yes sir.  
Q Whom do you desire to enroll? A Myself and son.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Clara Martin.  
Q Is she a citizen by blood? A No sir.  
Q When did you marry her? A Married her in '97.  
Q Where? A In Texas.  
Q What is the name of your child? A Troy E.  
Q How old is he? A He will be one year old in April.  
Q Is your name on the roll of 1880? A No sir.

The Cherokee authenticated roll of 1880 examined and the name of the applicant is not found of record thereon.

- Q Have you ever been admitted to Cherokee citizenship? A Yes sir, I have.  
Q Have you a certificate of admission? A Not here. It will be here to-night.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 280, No. 3421, as Robert C. Martin, Cooweescoowee District.

- Q Where were you born? A Born in Texas.  
Q Have you always lived in the State of Texas? A No sir.  
Q Did you ever live in the Cherokee Nation? A Yes sir.  
Q When? A I lived there during the year of 1898, and then off and on before that.  
Q And are not living in the Cherokee Nation now? A No sir.  
Q How long did you live here in the Cherokee Nation? A Something over a year.  
Q Come here in 1898? A Fall of '98 and lived here in '99.

By J. L. Baugh, representative of the Cherokee Nation-

- Q You say you came here in the fall of '97? A In the fall of '98.

Commissioner-

- Q How old were you when you came? A I was 22 years old.

By J. L. Baugh -

- Q Was that the first time you came here to make your residence?  
A No sir.  
Q When did you come here to actually make your residence here and live here permanently? A I come here in '94.  
Q How long did you live here when you lived here in '94? A I don't think I staid but six weeks.  
Q Where did you go to? A Back to Texas.  
Q How long did you remain in Texas? A I remained there a year and then come back the next summer.  
Q How long did you live here when you come back the next time? A About a month.  
Q Then did you go back to Texas again? A Yes sir.



DEPARTMENT OF THE  
COMMISSION TO THE FIVE COUNTRIES 3ES.

**FILED**  
MAR 29 1906

*[Signature]*  
ACTING CHAIRMAN.

2- R. C.M.

Q How long did you live in Texas that time? A Something over a year.

Q Then you come back to the Cherokee Nation again? A Yes sir, removed back.

Q That was in the fall of '98? A Yes sir.

Q Isn't it a fact, you never come here to live until the fall of '98? A It was my intention to stay those times.

Q Wasn't it a fact you come here at that time and just lived here in the fall of '98. The first time you come here to make your residence you just staid here three weeks or a month? A Well, I didn't come to stay three weeks or a month.

Q How long did you live here when you came here in the fall of '98?

A I lived here until the fall of '99.

Q Then you went back to Texas? A Yes sir.

Q Been there ever since? A Yes sir, had to go on account of my wife's health.

Commissioner-

Q Did you ever vote in the State of Texas? A Yes sir.

Q Voted there last fall? A Yes sir.

By J. L. Baugh-

Q Have you got any property in the State of Texas? A No sir.

Q Not at all? A Nothing only household goods.

Q Any house and lot? A Don't own any house and lot or anything.

Commissioner.

Q Any property in the Cherokee Nation? A Have a farm here.

Q How long have you had that? A It was ever since '93 or '92.

Q You have had possession of a farm since '92, have you? A Yes sir.

Q Have you any certificate of your marriage? A Yes sir.

Q Any proof of birth as to this child? A Yes sir.

Applicant presents certificate of marriage certifying that he was married to Miss Clara Williams, a non citizen, in the State of Texas, on the 20th day of November, 1897.

Applicant also presents satisfactory proof of the birth of a child named Troy E., one year old. His name does not appear upon the census roll of 1896, having been born after the said roll was compiled.

Applicant applies for the enrollment of himself and his minor child, Troy E. His name is found upon the census roll of 1896, and makes satisfactory proof of marriage as indicated in the testimony and the birth of a child, Troy E. He avers that he was admitted to Cherokee citizenship by the constituted authorities of the Cherokee Nation, but presents no proof of said admission, stating that he will file the same in a day or two. By reason of the testimony given as to his citizenship, final judgment as to the enrollment of said Robert C. Martin and his child, Troy E., will be suspended, and their names will be placed upon a doubtful card. Reference is made to the laws of the Cherokee Nation, passed December 4th, 1894, to be found in Cherokee Statutes.

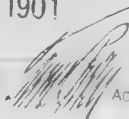
The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 28th day of March, 1901.

Commissioner.

DEPARTMENT OF THE IN  
COMMISSION TO THE FIVE CIVIL CASES.

**FILED**  
MAR 25 1901



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

*See ad.*

# CHEROKEES BY BLOOD AND ADOPTION.

*2+*  
Name *Robert S. Martin*

Date

*March 25, 1900*  
*(Ray's Mill ad.)*

District

*Coos.*

Year

*1896*

Page

*22*

No.

*342*

Citizen by blood

*Ans.*

Mother's citizenship

Intermarried citizen

*No.*

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

*2 Roy S. Martin*

Dist.

Year

Page

No.

Age

*17 mos.*

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

*No. 1 Proof of admission to citizenship to be supplied*  
*No. 2 Proof of birth to be supplied*

C.F. 1170

20

IN RE  
Application for Enrollment of  
INFANT CHILD

May & son Martin

as a citizen of

Cherokee

Nation

Approved Nov 25 1901

W. H. Westover

Commissioner.

Copy

Examination by the State  
Commissioner to the Cherokee Nation

Filed

Nov 25 1901

Wm. C. C. C.

John C. C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Gay Ernest Martin, born on the 2<sup>nd</sup> day of April, 1900  
(Here insert name of child.)  
Name of Father: R. E. Martin a citizen of the Cherokee Nation.

Name of Mother: Clara Martin a citizen of the Cherokee Nation.

Postoffice Wheeler Mills Texas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

The State of Texas DISTRICT  
Collin County

I, Clara Martin, on oath state that I am 21  
years of age and a citizen by adoption, of the Cherokee Nation;  
that I am the lawful wife of R. E. Martin, who is a citizen, by  
blood, of the Cherokee Nation; that a Male child was  
(Male or Female.)  
born to me on 2<sup>nd</sup> day of April, 1900, that said child has been named  
Gay Ernest Martin, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Jere Martin  
R. E. Martin

Subscribed and sworn to before me this 8<sup>th</sup> day of January, 1901.

(Seal)

Prodayle  
Notary Public,  
in and for Collin Co., Texas

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

The State of Texas DISTRICT  
Collin County

I, J. L. Green, a Physician, on oath state that I  
attended on Mrs. Clara Martin, wife of R. E. Martin  
on the 2<sup>nd</sup> day of April, 1900, that there was born to her on said date a Male  
(Male or Female.)  
child; that said child is now living and is said to have been named Gay Ernest Martin

WITNESSES TO MARK:

(Must be Two Witnesses.) { J. L. Church  
M. W. Brown

Subscribed and sworn to before me this 16<sup>th</sup> day of January, 1901.

(Seal)

Prodayle  
Notary Public,  
in and for Collin Co., Texas

62

D 1170

COMM. SEC. 10 1901

FILED

10 1901

*[Handwritten signature]*

ACTING CH.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. J. H. Robinson

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application of  
Wm. J. H. Robinson for enrollment as  
citizens of the Cherokee Nation.

No. 11170

Wm. J. H. Robinson



Supl.C.-D.#1170.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
OCTOBER 30th, 1901? Vinita, I. T.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Robert C. Martin, et al., as Cherokee Freedmen, introduced on part of applicants:

APPEARANCES:

J. H. Langley, Attorney for Applicants;  
Mr. Hastings, Cherokee Representative:

Commissioner Breckinridge:

On Cherokee doubtful case #1170, of Robert C. Martin, et al. the Attorney calls attention to a certificate of admission to Cherokee citizenship filed in Cherokee doubtful case #248, the same being the case of Ruth E. Martin.

On examination of the papers it is found that there is a duly authenticated certificate of admission embracing various persons of the Martin family, showing that on the 12th of January, 1883, one R. C. Martin was admitted to citizenship as a Cherokee by blood.

Commissioner Breckinridge of Attorney Langley:

Q Now, he is a son of Ruth E. Martin, is he? A Yes, sir.

Commissioner Breckinridge: This is identified as adequate evidence of the admission of Robert C. Martin, as stated, and this statement will be filed with Cherokee doubtful case #1170.

Com'r Breckinridge of Attorney Langley: Now that R. C. Martin and Robert C. Martin are one and the same person? A One and the same person.

---oooOooOooo---

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Fosson*

Subscribed and sworn to before me this November 9th, 1901.

*[Signature]*

Commissioner.

Supl.-C.D.#1170.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of ROBERT C. MARTIN, ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter ~~on~~ March 1st, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his applicant. The applicant has this day, to-wit: the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

Copy.

STATE OF TEXAS.

MARRIAGE

LICENSE.

County of Collin.

To any Judge of the District Court, Judge of the County Court, Ordained and Licensed Minister, Jewish Rabbi or Justice of the Peace in the State of Texas.

GREETING:

You are hereby authorized to celebrate the Rites of Matrimony Between Mr. R.C.Martin, and Miss Clara Williams and made due return to the Clerk of said Court within Sixty days thereafter certifying your action under this License.

Witness my Official Signature and Seal this 20th day of Nov. 1897.

(SEAL)

(signed) John A. Walden, Clerk

I, A.L.Gribble, certify that on the 21st day of Nov 1897 I united in Marriage Mr.R.C.Martin and Miss Clara Williams the parties herein above named.

Witness my hand this 22 day of Nov 1897.

(signed) A.L.Gribble.  
Minister of the Gospel.

Returned and filed for record the 25 day of Nov 1897. and recorded the 25 day of Nov. 1897.

J.J.Walden, Deputy.

(signed) J.A.Walden, County Clerk

Indorsed on back: Marriage License, Mr.R.C.Martin, and Miss Clara Williams, Issued the 20th day of Nov 1897 John A. Walden, Clerk, County Court Collin Co.

Filed the 25th day of Nov. 1897 J.A.Walden, Clerk County Court, Collin Co. By J.J.Walden, Deputy.  
Recorded in Book 10 Page 577, Marriage records.

I, M.D.Green, ~~Minister~~ do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that same is a true and complete copy of the original on file in Cherokee case No. D-1170.

M.D.Green

**DEPARTMENT OF THE INTERIOR,**  
**Commission to the Five Civilized Tribes,**

Muskogee I. T. June 10, 1902.

In the matter of the application of Robert C. Martin for enrollment as a citizen of the Cherokee Nation.

Cherokee D 1170.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Robert C. Martin was 24 years of age when he made his application in March 1901, that he is married and has one child; that he was married in 1897 in the state of Texas and that his present Post office address is Rhea's Mill, Texas; the testimony shows that the applicant was born in the State of Texas where he has continuously resided since that time and never seems to have had a home in the Cherokee Nation although he claims to have lived here a short time. He testifies that he came here and remained about six weeks one time and about one month another time and that he came in the fall of 1898 and lived until the fall of 1899 and was therefore not here on June 28th 1898. His present home and post office address is Rhea's Mill, Texas, and we do not see how under that provision of the Curtis Bill which provides "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," that the applicant can be enrolled by the Commission.

Respectfully Submitted,

*U. W. Hastings*  
Attorney for the Cherokee Nation.

J. C. S.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert C. Martin for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on March 28, 1901, Robert C. Martin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 30, 1901.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission, show that the said Robert C. Martin was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of the said Nation, on January 12, 1893. He is identified on the Cherokee Census roll of 1896. His child, Troy E. Martin, is the issue of a marriage between the said Robert C. Martin and Clara Williams, on November 20, 1897.

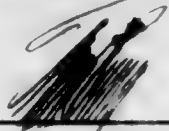
The evidence further shows that the applicant, Robert C. Martin, never acquired a permanent residence in the Cherokee Nation, but that his residence is in the State of Texas, and that he and his family were residents of the State of Texas at the date of the application herein.

Paragraph nine, Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,  
this       29       1902

Cherokee R-719.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., July 10, 1903.

In the matter of the application of Robert C. Martin for the enrollment of himself and his son, Troy E. Martin, as citizens by blood of the Cherokee Nation.

Applicant appears in person; Cherokee Nation by J. C. Starr.

Robert C. Martin, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Robert C. Martin.

Q How old are you? A I will be twenty-seven in August.

Q What is your postoffice address? A Rheaas Mills, Texas.

Q Have you heretofore applied to this Commission to be enrolled as a citizen by blood of the Cherokee Nation? A Yes sir.

Q That application was made on March 28, 1901? A Yes sir.

Q You have got a child named Troy E. Martin? A Yes sir.

Q Is that the only child you have? A No sir, I have a child that was born July 28, 1902.

Q Did you ever forward the Commission an affidavit as to the birth of that child? A No sir.

Q You never have made application for the enrollment of that child, have you? A No sir.

Q What is its name? A Lillian Gertrude Martin.

Q The record in this case shows that your application for the enrollment of yourself and your child, Troy E. was denied by the Commission and that the action of the Commission was approved by the Secretary of the Interior on August 29, 1902; subsequent to that time you made an application to have your case reopened, did you not? A Yes sir.

Q Is there any particular point <sup>which</sup> you wish to give testimony in this case? A I was notified that the matter of residence was the particular point in the case.

Q Did you ever live in the Cherokee Nation? A Yes sir.

Q Does your name appear on the 1880 roll? A No sir.

Q Were you ever admitted to Cherokee citizenship? A Yes sir I was admitted in '85.

Q Had you lived in the Cherokee Nation before you were admitted? A No sir.

Q When did you move to the Cherokee Nation after 1885? A Well, I went there in 1893 and we bought property there in '93 and I stayed there all that fall and worked. I wasn't of age then and in 1896 I came up there in the summer of 1896 and expected to remain there and stayed there during the summer of 1896 and in the fall I went back to Texas and went to school and then I was there and worked on the place nearly every year and married in 1897. The fall of 1897 I moved my wife up there.

Q Up where? A Cherokee Nation and in the summer of '98 after I married.

Q How long did you stay here then? A I lived here something over a year then.

Q And then where did you go? A I went back in Texas. My wife was sick a great deal in the Cherokee Nation; she took medicine all the time and was dissatisfied and we went back to Texas.

Q That was in 1899 you moved back to Texas? A Yes sir, in the fall of '99.

Q Since that time have you lived any in the Cherokee Nation? A No sir, I have lived in Texas.



2-Robert C. Martin et al.

Q When you came here in 1883 and bought property—? A It was '93.

Q '93, and bought property as you testified, what property did you buy? A A farm; I had an interest in a farm.

Q Who had the other interest in it? A My father.

Q Were you of age in '93? A No sir,. We used my money.

Q What did you do with that farm, do you still hold it? A No sir, we sold that farm last August after we were rejected by the Commission. We were notified on a certain date of the limit.

Q Did you hold it from 1893 until August, 1903? A Yes sir.

Q Did you have any property besides a farm? A Yes, there was some stock on the place, some cattle.

Q Anything else? A Nothing only a part of the crop and the houses was on it - improvements.

Q You bought the improved place and the stock that was on it? A No sir.

Q Or did you move the stock up there. Where did you get the stock that was on it? A We moved them from Texas. We moved them there in '94.

Q In '96 when you came up here, that was before you were married, I believe? A Yes sir.

Q Did you move any of your personal belongings or any household effects up here in '93 or '96? A Well, I brought my trunk and books and what I had of my own.

Q Did you ever keep house up here? A Yes sir.

Q When was the first time you had a house of your own in the Cherokee Nation. I mean a house where you kept house? A That was after I married, that was in '98. Before I married I never kept house myself.

Q Before that when you were in the Cherokee Nation I presume you boarded? A Yes sir.

Q And in '98 you came up here and kept house for one year and then moved back to Texas? A Something over a year, yes sir.

Q Did you break up housekeeping and take all your effects back with you to Texas? A Yes sir, the housekeeping goods was all we took.

Q You took all the movable property that you had? A I had a cow and a calf there that I left.

Q Did you ever vote in Texas? A Yes sir.

Q When was the first time you voted there? A In the state elections.

Q In any election in Texas? A In the primary elections, Democratic primary election.

Q That would hardly be an election? A In the State election I voted in 1900.

Q That was the first time they held an election after you became of age, was it not? A No sir.

Q Did you ever vote anywhere else but in Texas? A I voted in the Cherokee Nation.

Q You voted in the Cherokee Nation in what year? A In '99.

Q Did you vote in the State of Texas in 1900? A Last year?

Q Yes.? A Yes sir.

Q You only voted in the Cherokee Nation the one time? A Yes sir.

Q And that was prior to the first vote you cast in Texas? A Yes sir.

Q As I understand you, Mr. Martin, except a farm and some cattle you never had any property in the Cherokee Nation except for a period of about one year when you kept house here, is that right?

A With the exception of the farm and some cattle.

Q With the exception of a farm and some cattle? A I did have my personal effects here until I married; that was in 1896.

Q You had your clothes and wearing apparel? A Yes sir, what I needed; I intended to stay there, I didn't know how long.

Q Did you have anything more than what you needed for your immediate personal use? A Yes sir.

Q You mean you had more than that or that was all you had? A I had more than I needed for my immediate use.

~~Q Did you have any of your personal effects down in the State of Texas at that time?~~ A I might have had a horse that I hadn't got rid of.

Q When was the first time you came to the Cherokee Nation with the intention of making it your permanent residence, if you ever came here for that purpose? A Well, when I came here in 1896 to the Cherokee Nation it was my intention to stay up there; if I liked the country and liked to live there, and I stayed all summer and concluded I didn't want to stay.

Q When you left in '96 did you intend to return? A I didn't know whether I would or not. I expected some time to return, I didn't know just when it would be.

Q I mean return and make it your home; in '96 when you left did you intend to return at some time in the future and make that your permanent home? A Yes sir.

Q The next time you actually returned though was in '98 after you married, is that right? A Yes sir.

Q When you and your wife left the Cherokee Nation in '98 what was your intention relative to living in the Cherokee Nation? A Well, we thought after she got in good health and stout that we would or might return.

Q Was it your positive intention to return as soon as your wife's health permitted it, or when you went to Texas did you intend to make that your home? A We weren't positive about that.

Q Your father lives in Texas now, doesn't he? A Yes sir.

Q And prior to the time you were married you made your home with him, did you? A Yes sir.

Q Since your marriage have you lived with him, or have you and your wife kept house separate? A Kept house separate. I lived with him before I was married, only when I was away from there, you know I was in the territory part of the time.

Q Until you were married did you have a home there at your father, a place that you called your home, at his house? A Yes sir, when I was there I called it my home.

Q He had a house and kept house in Texas all the time, didn't he? A Yes sir.

Q After you were married how long did you remain in Texas before you came to the Cherokee Nation? A I was married in November and I came to the territory the next August.

Q Did you keep house in Texas from November to August? A Yes sir.

Q When you came to the Cherokee Nation did you give up your house or did you leave some of your household effects there? A I gave it up.

Q Any other statement that you wish to make regarding your residence? A My present residence is down there, but I haven't any home there.

Q But you keep house there? A Yes sir, I have no real estate or anything.

Q You have no home, no house, in the Cherokee Nation, have you?

A At this time, no sir, we had to turn it loose last August after we were rejected.



4-Robert C. Martin et al.

Q Before that time did you have a house furnished and equipped for a home in the Cherokee Nation? In other words, that you kept ready for occupancy at any time you might have come there? A No, we had it rented out.

Q There was a house on the farm that you had bought? A Yes sir, there were two houses on the farm.

Q Both of them were occupied by tenants? A Yes sir.

J.C. Starr: What is the name of your father? A Jeremiah Martin.

Q Where does he live? A He lives at Rheas Mills, Texas.

Q How long has he been living there? A He has been living there about thirty-six years.

Q For the last thirty-six years? A Yes sir.

Q Continuously? A No sir, part of that time he has been in the territory.

Q Where was he living when you were admitted to citizenship in the Cherokee Nation in 1883? A He was living in Texas.

Q Lived there ever since then? A Yes sir.

Q From the time you became twenty-one years of age, after you were admitted, did your father live in Texas? A Well, he was in the territory.

Q Was Texas his home? A He had a home down there.

Q He had a home in Texas? A Yes sir.

Q A furnished house? A Yes sir.

Q Did he own the house? A Yes sir.

Q He kept house there all the time? A His family did.

Q His wife was in Texas all the time? A Part of the time she was up here.

Q How long at one time did she stay up here? A I don't know.

Q As a matter of fact she came up on short visits and returned?

A Well, they moved here once.

Q When did they move here? A They moved here in the fall of 1890.

Q Was that the first time they ever moved here? A Well, my father came here and lived in '95, he and him together, we camped out.

Q How long did you stay here then? A We stayed all fall.

Q Was his wife with him at that time? A Part of the time she was.

Q How long did she stay? A I think she stayed something — she only stayed a short while, a couple of weeks.

Q Stayed about two weeks and then went back to Texas? A Yes sir.

Q How long did your father stay at that time? A Came here in August and we stayed until November.

Q From August until November in '93? A Yes sir.

Q How old were you then? A I was seventeen years old.

Q When your father returned to Texas at that time did you ~~come~~ go back with him? A Yes sir.

Q When did you come again? A Come back in '96.

Q What time in 1896? A Some time the first of July.

Q How long did you stay then? A I stayed then until the last of September.

Q Where did you go then? A I went back to Texas.

Q Were you of age then? A In '96?

Q Yes sir? A No sir. I had his consent to come up here though.

Q You testified once before in this case, did you not? A I made my application.

Q When you testified before didn't you state that you came here at one time and remained about six weeks and another time you came and stayed about a month? A Yes sir.

Q Is that a fact? A Yes sir.

Q That was the only time you stayed in the Cherokee Nation until—?

A No sir, I was here in '93.

5-Robert C. Martin et al.

Q How many times had you been here before 1898? A I was here three times.

Q After you became of age when was the first time you came to the Cherokee Nation? A The summer of '98.

Q How long did you stay? A I stayed something over a year.

Q How long had you been of age when you came here in '98? A About one year.

Q You were married at that time? A Yes sir.

Q How long did you live in Texas after you were married? A Lived in Texas from November until August.

Q After you stayed here about one year after you came here in 1898 where did you go? A I went back to Texas.

Q And lived there ever since? A Yes sir.

Q And voted in Texas since then? A Yes sir.

Q Don't you pay tax down there? A Yes sir.

Q Do you pay poll tax? A Yes sir.

Q You are a citizen of Texas, are you not? A I have all the rights of a citizen there, I suppose.

Q You exercise all the rights of citizenship in Texas, just the same as other citizens there, do you not? A Yes sir.

Q Now, what personal property if any did you leave here when you left in 1898? A I left a cow and a calf and a yearling.

Q What became of that cow and calf and yearling? A I traded them.

Q What did you get for them? A I got cows and calves in exchange.

Q What did you do with that cow and calf? A I have them yet.

Commissioner: Have it in Texas with you? A Yes sir.

J. C. Starr: Did you take the cow and calf to Texas from this place? A No sir.

Q Where did you get it? A I swapped this one for one down ~~down~~ there. I don't know whether you call that moving them or not.

Q Then I understand you to say that the cattle you left here you traded for cattle that were in Texas? A Yes sir.

Q Where was this farm located that you speak about? A It was located two miles southwest of Pryor Creek.

Q When did you acquire that farm? A In '93.

Q Whom did you buy it from? A Bought it from John Cavalier; that is my father did.

Q Has your father voted in Texas? A Yes sir.

Q Voted there at all the elections since his readmission to citizenship in the Cherokee Nation? A I don't know whether he has or not.

Q He voted at quite a number that you know of hasn't he? A Yes sir.

Q He pays his tax down there? A Yes sir.

Q Pays poll tax? A I guess so.

Q And exercises all the rights of a citizen of Texas that are exercised by any other citizen of Texas, doesn't he? A I suppose so.

Q You do too? A Yes sir.

Commissioner: Has your father applied to the Commission for enrollment? A He made application in 1901.

Q I believe you state his name was Jeremiah Martin? A Yes sir.

Q Any further statement you wish to make? A No sir.

J. C. Starr: As a matter of fact you don't own any property in the Cherokee Nation at this time? A No sir, I don't at this time.

We have it set out at this time, and we want to.

Commissioner: The only property you owned in the Cherokee Nation in August, 1902, and as you express it sold out, was an improved place or farm, is that correct? A That was all I owned, yes sir.

S-Robert G. Martin et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Ed. D. Hetherington

Subscribed and sworn to before me this 13th day of July, 1903.

Samuel Foreman.

Notary Public.

Cherokee D-1170  
(R -719)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4-7-11

In the matter of the application for the enrollment of Robert C. Martin and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record herein shows that on March 28, 1901, Robert C. Martin appeared before the Commission at Muskogee, Indian Territory, and made a plication for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 30, 1901, and at Muskogee, Indian Territory, March 20, 1902.

The record further shows that on July 29, 1902, this Commission rendered its decision herein, denying said applicants the right to enrollment, and that the proceedings in this case were duly forwarded to the Department. Thereafter, on April 27, 1903 (Departmental letter I.T.D. 3783-03), said decision was rescinded and case remanded for readjudication in accordance with the rulings of the Department in the cases of Clement G. Clarke, et al., Joseph D. Yeargain, et al., and Elizabeth C. Payne. As the rulings of the Department in the cases last above mentioned pertain to the question of forfeiture of citizenship, it is not considered by the Commission that they are applicable to the case at bar, as the only question there to be considered is, Did the applicants acquire citizenship in the Cherokee Nation? Supplemental proceedings in the matter of said application were had at Tahlequah, Indian Territory, July 10, 1903.

The evidence herein shows that on January 12, 1883, by the properly constituted authorities, the principal applicant, Robert C. Martin (A. C. Martin), was admitted, as a Cherokee by blood, to citizenship in the Cherokee Nation.

The evidence further shows that the said Robert C. Martin was born in Texas, in the month of August, 1876, and, with the exceptions below noted, has since continuously resided therein. It appears that during the years 1893 and 1896, the principal applicant spent a few weeks in the Cherokee Nation; that in the fall of 1896, he, with his wife, again came to the Cherokee Nation, remained one year, and then returned to Texas. It further appears that since said admission the said Robert C. Martin has continued to exercise the rights and privileges of a citizen of the State of Texas.

An act of the Cherokee Council approved December 4, 1894, provides:

"That all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act

or from the date of the readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, that nothing in ~~this act shall bar minors and orphans.~~

It is not considered that the said Robert C. Martin removed to and established a residence within the Cherokee Nation prior to the fall of 1898, if he did then; and as at that time he was some two or three months past twenty-two years of age, it does not appear that, following the ruling of the Department in the case of Ora M. Camp, et al., (I.T.D. 1418-03), the said Robert C. Martin removed to and permanently located within the limits of the Cherokee Nation within a reasonable time after reaching his majority.

The minor applicant, Troy E. Martin, is the child of the said Robert C. Martin, has resided with his father since birth, and possesses no rights to enrollment except as derived through his said father.

It is, therefore, the opinion of this Commission that the application for the enrollment of Robert C. Martin and Troy E. Martin as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
this JAN 10 1899

5. 1. 1952  
MAR 1 1952

*11/1/52*

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

**Cherokee D-1170**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 1,

1902.

Mr. Robert C. Martin,

Rheas Mills, Texas,

Sir:-

You are hereby notified that the application of **yourself and one minor child**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 20, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Copy to J. Howard Langley,  
Pryor Creek, I.T.  
Register.

Acting Chairman.

XXXXXXXXXXXXX

Commissioner in Charge.

Cherokee D 1170.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*John C. H. H. H.*  
~~Commissioner in Charge.~~

Enc. C. No. 136.



Cherokee D 1170.

Muskogee, Indian Territory, July 29, 1902.

J. Howard Langley,

Attorney for Robert C. Martin, et al.,

Pryor Creek, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Wm. D. Foxby.*

Commissioner in Charge.  
*Acting Chairman*

Register.

Enc. C. No. 135.

Cherokee D 1170.

Muskogee, Indian Territory, July 29, 1902.

Robert C. Martin,  
Rhea Mills, Texas.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and your child, Troy E. Martin, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, J. Howard Langley, Pryor Creek, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*Sam. Dixon*  
Commissioner in Charge.

Register.

Enc. C. No. 134.

51710

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

July 29,

SUBJECT:

Transmitting record in the  
matter of the application  
for the enrollment of  
Robert C. Martin, et al.  
as Cherokee citizens.  
Cherokee D 1170

No. of inclosures 1

COMMISSIONER OF INDIAN AFFAIRS  
HARRY L. DAVIS  
JAMES BIRNEY  
THOMAS F. HEDGES  
R. BRECKINRIDGE

ALLISON, ALEXANDER  
1902

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee D 1170.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 137.

Refer in reply to  
the following:  
Land.  
47,122-1902.

(COPY)

Department of the Interior,

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 29, 1902, forwarding for the Department's consideration the record relative to the application of Robert C. Martin for the enrollment of himself and his child, Troy E. Martin as citizens, by blood of the Cherokee Nation.

July 29, 1902, the commission held that the applicants were not entitled to enrollment.

The records in the case show that Robert C. Martin was admitted to citizenship in the Cherokee Nation January 12, 1883; that he is identified on the Cherokee census roll of 1896, and that his child, Troy E. Martin, is the issue of a marriage between said Robert C. Martin and Clara Williams, which marriage took place November 20, 1897.

The records further show that the principal applicant and his minor child have not acquired a permanent residence in the Cherokee Nation and that on June 28, 1898, they resided in the State of Texas. This being true they are not entitled to enrollment under

- 2 -

the provisions of the Curtis Act, and the office therefore recommends the approval of the Commission's decision.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(C. A. W.)

P.

1170-1  
D. C. No. 14416-1902.

L. R. S.

51740

EAF.

ITD. 4971-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Robert C. Martin and his minor child, Troy E. Martin, as citizens of the Cherokee Nation.

The evidence shows that in 1883 Robert C. Martin was admitted to citizenship in said nation, but that he has never acquired a permanent residence therein; that he and his family were residents of the State of Texas at the date of his application. He is identified on the Cherokee census roll of 1896. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 14 and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

Cherokee D 1170.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert C. Martin for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*James G. Morgan*  
Acting Chairman.



Cherokee D 1170.

Muskogee, Indian Territory, September 17, 1902.

J. Howard Langley,

Attorney for Robert C. Martin, et al.,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert C. Martin for the enrollment of himself and his minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cherokee D 1170.

Muskogee, Indian Territory, September 17, 1902.

Robert C. Martin,  
Rhea Mills, Texas.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

↑

Cherokee R-719

Muskogee, Indian Territory, November 10, 1902.

Robert C. Martin,  
Rhea Mills, Texas.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on February 21, 1897, to Miss Clara Williams.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-176

Rhea Mills.  
Cottin Court.  
Texas.

Department of the Interior,  
RECEIVED

APR 15 1903

No. 3743

Indian Territory Division.

Your Department is now <sup>at</sup> present in the  
matter as to whether I should employ a mill  
or this report to you will be for record  
Yours Respectfully

W. C. Martin

Kiea Mills.

Collin County.

Texas.

Department of the Interior,

RECEIVED

APR 15 1903

No. 3753

Indian Territory Division.

26012

Rhea Mills, Texas, April 10, 1903.  
Department of the Interior  
Washington, D. C.

In the matter of the claims  
of the citizens of the Cherokee Nation Ind. Ter.  
who were rejected by the Dawes Commission  
because they were non-residents, although  
holding property in the Nation, prior  
to June 1898, and had been recognized as  
citizens by the Cherokee government.

Noticing the decision of the Department  
in the "Yeargin" case and the ordering of their  
names enrolled on the Cherokee Citizenship Roll

We believe ~~even~~ we are entitled to Citizenship

As our cases are similar to the "Yeargin" case  
who resided at Southwest City Mo.

We refer you to the decision of the Dawes  
Commission and the record of the proceedings  
which were had in ~~the~~ our cases, which  
were transmitted to you for your review.

Our decision is marked "Cherokee D. 1170"

The decision is regarding the claims of  
Robert C. Martin and his minor child  
Troy C. Martin. (Since making application  
to the Dawes Commission we had one child born  
to us on July 28, 1902, who will be entitled to  
enrollment if we are.)

Will you please let me hear from

D.C. 12517-1903

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D.

4971-1902

3783-1903

April 27, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 15, 1903, the Department received the inclosed communication from R. C. Martin, which is treated as a motion to reopen the case involving his application for enrollment as a citizen of the Cherokee Nation, which case was disposed of by the Department adversely to the applicant, August 29, 1902.

The Department has reconsidered the case, and as the testimony was taken and your decision and that of the Department were rendered under different understanding of the 9th paragraph of section 21 of the act of June 28, 1898 (30 Stat., 495), from that expressed by the Department in the case of Clement G. Clark, of March 17, 1903, and the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, the decision of August 29, 1902, is hereby rescinded, and the case is remanded for further proceedings and readjudication in the light of said opinion and decision, and the decision of the Department of March 17, 1903, in the case of Elizabeth C. Payne.

The testimony and the papers attached thereto are herewith returned.

Respectfully,

(signed) Thos Ryan  
Acting Secretary.

2 inclosures.

Cherokee R 719

Tahlequah, Indian Territory, May 13, 1903.

Robert C. Martin,

Rhea Mills, Texas.

Dear Sir:

You are hereby notified that the motion made on your behalf to reopen for the taking of further testimony the application made by you for the enrollment of yourself and family as citizens of the Cherokee Nation was granted by the Secretary of the Interior on April 27, 1903.

You are advised that any further testimony you may have tending to establish the right of yourself and family to enrollment as citizens of the Cherokee Nation can be presented to the Cherokee Land Office of this Commission on or before June 6, 1903. Evidence is particularly required as to your residence.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH



Tahlequah, Indian Territory, May 13, 1903.

J. H. Langley,

Attorney for Robert C. Martin et al.,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby notified that the motion to reopen for the taking of further testimony the application of Robert C. Martin for the enrollment of himself and family as citizens of the Cherokee Nation was granted by the Secretary of the Interior on April 27, 1903.

You are advised that any testimony which you may have to present tending to establish the rights of the applicants in this case may be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 6, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH

Tahlequah, Indian Territory, May 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on April 27, 1903, the Secretary of the Interior granted a motion to reopen for the purpose of taking further testimony, the application of Robert C. Martin et al for enrollment as citizens of the Cherokee Nation.

The principal applicant and his attorney have this day been notified that further testimony is particularly required as to the residence of the applicants, and any testimony they may have to introduce can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 6, 1903.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

Tahlequah, Indian Territory, June 3, 1903

Robert C. Martin,  
Rice Mills, Texas.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of your application for enrollment as a citizen of the Cherokee Nation has been changed from June 6, 1903, to July 10, 1903.

Respectfully,

BCJ

Cherokee R-719

Tahlequah, Indian Territory, June 3, 1903

J. H. Langley,

Attorney for Robert C. Martin,

Pryor Creek, I. T.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Robert C. Martin for enrollment as a citizen of the Cherokee Nation has been changed from June 6, 1903, to July 10, 1903.

Respectfully,

BCJ

Tahlequah, Indian Territory, June 3, 1903

W. C. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Robert C. Martin for enrollment as a citizen of the Cherokee Nation has been changed from June 6, 1903, to July 10, 1903.

Respectfully,

BCJ

Cherokee R 719.

Tahlequah, Indian Territory, November 25, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith, for your consideration and further action, the original record, with decision therein prepared at this office and signed by me, in the matter of the application of Robert C. Martin et al. as citizens by blood of the Cherokee Nation, Cherokee R 719.

There is also enclosed herewith, the original card in this case.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

BOR.  
Enc. 11.

Tahlequah, Indian Territory, January 16, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division)

Muskogee, Indian Territory.

Gentlemen:

As requested in your letter of January 13, there is inclosed you herewith the original record in the application of Robert C. Martin, et al., Cherokee R-719, for enrollment as citizens of the Cherokee Nation.

Respectfully,

Commissioner in Charge,  
Cherokee Land Office.

Enc. R-1.

COPY.

Cherokee D-1170,

R-719.

Muskogee, Indian Territory, January 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, rejecting the application for the enrollment of Robert C. and Troy E. Martin as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-17.

(SIGNED) *Tams Dixby.*  
Chairman.



COPY.

Cherokee D-1170,

R-719.

Muskogee, Indian Territory, January 11, 1905.

Robert C. Martin,

Rhea Mills, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, rejecting the application for the enrollment of yourself and your minor child, Troy E. Martin, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, J. Howard Langley, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-16.  
Register.

W. H. Tamm  
*Tamm Bixby.*  
Chairman.

COPY.

Cherokee D-1170,  
R-719.

~~Muskogee, Indian Territory, January 11, 1906.~~

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Robert C. and Troy E. Martin as citizens by blood of the Cherokee Nation, including the Commission's decision dated January 11, 1906, denying said application.

Respectfully,

Incl. S-18.

*Jame Bixby*  
Chairman.

Through the

Commissioner of Indian Affairs.

Refer in reply  
to the following:  
Land.  
3877-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 11, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Robert C. Martin for himself and his minor child, Troy E. Martin.

January 11, 1905, the Commission decided adversely to the applicants.

The record shows that on July 29, 1902, the Commission decided adversely to the applicants; that on April 27, 1903, the Department rescinded the Commission's action and remanded the case for readjudication.

The evidence shows that on January 12, 1883, the principal applicant was, by the properly constituted authorities, duly admitted as a citizen by blood of the Cherokee Nation.

It is further shown that the principal applicant was born in Texas in August 1876, and has resided in that State continuously except that in the years 1893 and 1896 he spent a few weeks in the Cherokee Nation and in the fall of 1898 he came to the Cherokee Nation with his wife and remained one

year and then returned to Texas. It is further shown that since his admission he has continued to exercise the rights and privileges of a citizen of the State of Texas.

The minor applicant is the child of Robert C. Martin, has resided with him since birth, and possesses no rights to enrollment except through his father.

In view of the record and of the decision of the Department in the case of Ora L. Camp et al. (I.T.D. 1418-1903), the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.  
W.

D. C. 28685-1905.  
I.T.D. 1556-1905.  
L.R.S.

Y.P.  
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 5, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 11, 1905, you transmitted the record in the matter of the application for the enrollment of Robert C. and Troy E. Martin as citizens by blood of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 11, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.  
Secretary.

1 inclosure.

Cherokee R-719.

Muskogee, Indian Territory, June 26, 1905.

Robert C. Martin,

Rhea Mills, Texas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1905, rejecting the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED).

*W. H. Coker*  
Chairman.

C. . .

Cherokee R-719.

Muskogee, Indian Territory, June 26, 1905.

J. Howard Langley,

Attorney for Robert C. Martin, et al.,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1905, rejecting the application for the enrollment of Robert C. Martin, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

*George D. Kirby.*

Chairman.

0001  
Cherokee R-719.

Muskogee, Indian Territory, June 26, 1905.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1905, rejecting the application for the enrollment of Robert C. Martin, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

*James Bixby*  
Chairman.



COPY.

Cherokee R-719.

Muskogee, Indian Territory, June 26, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 11, 1905, rejecting the application for the enrollment of Robert C. Martin, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

*George Dixby.*

Chairman.

Cher R 720

Cher R 720

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, IT.; SEPTEMBER 22, 1900.

In the matter of the application of Isaac B. Hitchcock for enrollment as a citizen of the Cherokee Nation; said Hitchcock being sworn by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your full name, please? A Isaac B. Hitchcock.  
Q How old are you? A 75.  
Q Your post office? A Vinita.  
Q In what district do you live? A Cooweescoowee.  
Q Who is it you want to have put on the roll? A Just myself.  
Q You claim as a Cherokee by blood? A Adoption, yes.  
Q How long have you lived in the Cherokee Nation? A 75 years.  
Q Your are on the roll of 1880 and 1896? A Yes, sir.  
Q Your wife is dead? A Yes, sir, she died in 1886, and I have no wife.  
Q Is that the wife with whom you enrolled ~~with~~ in 1880? A Yes, sir.  
Q Give me the name please, of her? A Elizabeth A. Hitchcock.  
Q She was a Cherokee? A Yes, sir.  
Q Died in 1886? A Yes, sir.  
Q Have you ever married since her death? A Yes, sir.  
Q Is your present wife a Cherokee or white woman? A I do not know whether she is dead or not.  
Q Now have since ~~xxx~~ married since your wife died in 1886? A Yes, sir.  
Q Your second wife's name? A Mrs. Orr.  
Q When did you marry your second wife? A In 1889.  
Q Was she Cherokee or white woman? A White woman.  
Q Is she living or dead? A I do not know, I have not heard from her for years.  
Q You have never married since you married Mrs. Orr? A No, sir.  
Q She had not rights as a Cherokee citizen? A ~~XXXX~~ No, sir.

1880 enrollment; page 266, #1226, J. B. Hitchcock, Delaware.

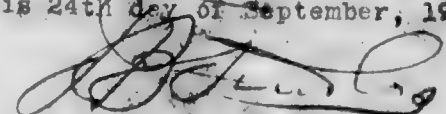
Com'r Breckinridge:--The applicant is identified on the roll of 1880 as a ~~native Cherokee~~ adopted ~~Cherokee~~ white. His wife with whom he was enrolled at that time is said by him to have died in 1886. Since her death he states that he has re-married to a white woman. His second wife possesses no rights in the Cherokee Nation and under the law he is considered to have lost all the rights he possesses; therefore the application for the enrollment of Isaac B. Hitchcock is rejected, and this action will be reported to the Secretary of the Interior and his approval will be final in the case.

---00 0000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 24th day of September, 1900.



Commissioner.

*Handwritten mark resembling a stylized 'B' or 'P'.*

POSTMASTER

~~117~~

*Handwritten number 1184.*

SEP 2 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

76- Isaac B. Hitchcock Date SEP. 22. 1900 1900.  
Name Sinita D. T.  
District DELAWARE. Year 1880 Page 266 No. 1226  
Citizen by blood No Mother's citizenship  
Intermarried citizen Yes

Married under what law Date of marriage  
License Certificate  
Wife's name  
District Year Page No.  
Citizen by blood Mother's citizenship  
Intermarried citizen  
Married under what law Date of marriage  
License Certificate

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

On 1880 Roll as J. B. Hitchcock

13331

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ft. Gibson, I. T., April 24th, 1901.

In the matter of the application of Isaac B. Hitchcock for enrollment as a Cherokee by intermarriage; he being sworn and examined by Commissioner C. R. Brackinridge, testified as follows:

Q Give me your full name. A Isaac B. Hitchcock.

Q How old are you? A 76 according to record.

Q What is your postoffice? A Vinita.

Q You made application at Vinita, on September 22nd, of last year for enrollment? A Yes sir.

Q You now want to give some additional testimony, do you? A Yes sir.

Q It appears that you have lived in the Cherokee Nation all your life? A All my life, never had any other home on earth.

Q And you were duly enrolled in 1880? A Yes sir, every roll since 1857; every roll made in the Cherokee Nation.

Q You are a white man? A Yes sir.

Q It appears from your testimony that you were identified on the roll of 1880 as an intermarried citizen; since that time you have married a non citizen woman? A Yes sir.

Q Your application was rejected on the ground as having married out as the expression is, and that ~~same~~ seems to be the difficulty in your case, Mr. Hitchcock? A That's right.

Q You want to address yourself to that point? A Yes, legally; a question of law.

Q What statement do you desire to make in regard to your not having lost your rights marrying a white woman? A I suppose there is a Cherokee law book here. I desire to call the attention of the authorities here to the provision in this same law which says, that I have lost my right by marriage with a non citizen, white woman. It goes on to say in another section here how it shall be determined I have lost my rights; it says here that I shall be cited before the Judge of the Circuit Court of the Cherokee Nation and have a trial by jury; you will find those things right here to refer you to the law and the testimony; I am to have a trial by jury before the Circuit Court of the District in which I reside; then should the jury decide that I have done this, I am guilty of this misdemeanor or trial, whatever it may be called. The Judge is then to notify the Chief; the Chief is to notify the Agent, and I am to be removed from the limits of the Cherokee Nation. You will find it worded that way in this section. Now, I have this to state that the Cherokee laws were enforced for numbers of years; I cannot now say how long after my said intermarriage; I never was cited to Court; I never had an examination, a trial, to see whether I had been guilty according to Cherokee law; and at every election after this that I have been at my home in Cooweescoowee District, I have been allowed to vote; I have been challenged in this way, the judge, some one would say, here is Mr. Hitchcock, you married out didn't you; yes; that is alright I don't dispute that fact, - one of the judges would say then to me, Mr. Hitchcock you were acquainted with the Cherokee law in relation to this matter; - yes sir; - Well, were you ever cited ( they had a law book like this ) ever cited before the Cherokee Nation according to requirements in this section - did you ever have a trial and was your case ever decided according to Cherokee law; - No sir, it never was. Well then, we are not here to decide such cases, come up and vote, so I have been allowed to vote. I have held offices under the Cherokee Nation at one or two, I can't tell all these years; I voted at every election that I have been at home at Vinita all these years, and my name appears on every roll since 1857; I was married in '57 and you will find my name on every roll that has been made unquestioned, and it appears on the 1880. This is the fact I wish to present; that is all I have to say. My contention is that I was never tried; never had a trial and a decision against me according to this same Cherokee law, and therefore I take this position that there is no judicial tribunal on earth according to this Cherokee law to decide that I have lost my right, and I claim that right legally; that is about all. I submit the contention which I present to the Commission.

2- I. B. H.

Q You are familiar with Section 667 of the 1896 compilation of the laws of the Cherokee Nation? A Yes sir.

Q That Section states:- "That if any man or woman, a citizen of the United States or of any foreign country becomes a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person, as the case may be, having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease. I have read all of that section. This section only states what shall follow the fact of remarrying a non citizen; it does not state that any further proceedings are necessary in order to incur the result here indicated. Is there any other provision of law? A Yes sir, there is another section right there.

Q To which you wish to refer? A Yessir.

Q Section 669? A Yes sir.

Reference is made to Section 669, which prescribed certain duties on the part of Cherokee Officials in cases of remarriage to a non citizen, and the proceedings which must be had prior thereto.

The 1896 census roll of the citizens of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

Q You didn't draw any Cherokee strip money? A No sir.

Q What official position have you held since you remarried to your non citizen wife? A I was Judge of an election and Clerk of an election; that is all the positions I have occupied.

Q When were you judge of an election? A I don't remember the year, within the last three or four years; four or five years.

Q And how long since you were Clerk of an election? A About the same time.

Q When did you last vote as a Cherokee citizen? A If I voted in 1899, unquestioned; only in that way attention was drawn to it and the judge asked me what I told you a while ago, and asked me if I ever was cited to the Court. I never had a trial according to the provisions of the law; I told him I never had, and they told me we can't go back on the law, and you could vote.

Q Although you admitted that you had remarried a non citizen? A Yes sir.

Q Who appoints the Judges and Clerks of Elections, Mr. Hitchcock? District Clerk? A I don't know.

Q Who appointed you? A I don't remember now.

Q You remember who appointed you when you were Clerk of an Election?

A No sir, I don't remember.

This testimony will be filed as additional testimony in the case cited Rejected 169, and an order is made that this application be transferred from the rejected to a doubtful card for the consideration by the Commission of all the evidence in the case.

Applicant further states- As Col. Wisdom is here himself, he paid me. You will find my name as an old settler in this last payment. You will find my name there.

Q Did you receive money as an old settled in 1896 or '97? A Yes sir, Col. Wisdom paid me himself.

Q The United States Indian Agent? A Yes sir.

Q The records will show? A Yes sir, the records will show.

Examination continued by J. G. Starr, representative of the Cherokee Nation-

Q Did you receive old settler money for yourself or for your wife?

A My wife's share and her father's share divided out down and down, two bits to one or a dollar according to the heirs. It was my wife's share; my portion of my wife's share, and I think there was a little

1-1-1-1

Q Now, I don't know how much money or old money, but father's  
share, I think there was a little bit, the two shares together.  
Q Did you get the money for your own share? A No  
sir.  
Q But at the same time, from your father's share, you say, I  
don't know how much, but the money will show.

The undersigned, being duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes, he correctly re-  
corded the testimony and proceedings in this case, and that the  
foregoing is a full, true and correct transcript of his stenographic  
notes thereof.

*E. J. Rothertinger*

Subscribed and sworn to before me this 24th day of April, 1901.

*W. H. Smith*  
Commissioner.



Supl.-C.D.#1184.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of ISAAC B. HITCH-  
COCK as a citizen of the Cherokee Nation:

he applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has acknowledged receipt of Commission's letter. Applicant has been called this day, to-wit: the 21st day of March, 1902, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo00,oo---

I/ J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

W. S. A. 11  
MAY 11 1911

*[Handwritten signature]*

W. S. A. 11

e

2. 11. 11

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the  
matter of the application of Isaac B. Hitchcock

for enrollment as Citizen of the Cherokee Nation.

Cherokee

No...

Wm P. Thompson

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac B. Hitchcock for his enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 22, 1900, Isaac B. Hitchcock appeared before the Commission at Vinita, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application on April 24, 1901, at Fort Gibson, Indian Territory.

The evidence shows that the said Isaac B. Hitchcock is identified on the Cherokee authenticated tribal roll of 1880, having been married prior thereto to a Cherokee citizen. It appears that his Cherokee wife died in 1886, and that in 1889, the applicant married one, Mrs. Orr, a white woman.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 74 of the Compiled Laws of the Cherokee Nation (1875), provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of Isaac B. Hitchcock for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Dated at Muskogee, I. T.

this JUL 29 1901

MAN ..

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

**Cherokee D-1184**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory **March 1,**

1902.

**Mr. Isaac B. Hitchcock,**

**vinita, Indian Territory.**

**Sir:**

You are hereby notified that the application of **yourself**

for enrollment as <sup>a</sup> citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 31, 1902**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

**, as you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

**Register.**

**Assistant Secretary.**  
**Commissioner in Charge.**

Cherokee D 1184.

COPY

Muskogee, Indian Territory, July 29, 1902.

Isaac M. Hitchcock,

Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Register.

Enc. C. No. 130.

COPY

Muskogee, Indian Territory, July 29, 1902.

W. P. Thompson,

Attorney for Isaac B. Hitchcock,

Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. E. Needles*  
Commissioner in Charge.

Register.

Enc. C. No. 131.



Cherokee D 1184.

COPY

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Isaac H. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*T. B. Needles*  
Commissioner in Charge.

Enc. C. No. 132.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*T. B. Needles*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 133.

Referin reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Isaac B. Hitchcock for enrollment as a Cherokee citizen by intermarriage.

It appears that the applicant married a Cherokee woman many years ago and by virtue of such marriage became entitled to citizenship rights in the Cherokee Nation. His name appears on the 1880 and 1896 rolls. After the death of his wife he married a white woman in 1889.

The Commission declined to place his name on the rolls because of section 667 of the Cherokee marriage laws as found in the compilation of 1892. The said law as it appears seems to indicate that it was passed in 1890. As a matter of fact the same statute appears on page 227 of the compilation of 1881. Consequently it was enacted prior to the date of the applicant's second marriage; therefore he forfeited whatever citizenship rights he may have had by second marriage.

The applicant strenuously contends that because his rights of citizenship were never called into question in the manner provided

- 2 -

for by Cherokee law, the Commission has no power now to inquire into such rights.

~~The office does not agree with this contention, believing~~  
that the power formerly vested in the Cherokee courts is now vested in the Commission to the Five Civilized Tribes, subject to the exercise of the supervisory authority of the Department.

It is therefore respectfully recommended that the decision of the Commission refusing to enroll the applicant, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. C. No. 14861-1902.

J. P.

L. R. S.

CMR.

ITD 4977-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 5, 1902

Commission to the Five Civilized Tribes,

Gentlemen:

The Department has considered the case involving the application of Isaac B. Hitchcock for enrollment as a citizen by intermarriage of the Cherokee Nation, submitted with your letter of July 29, 1902 (Cherokee D 1184).

It appears that the applicant is a white man; that he married a Cherokee woman many years ago, and by virtue of such marriage became entitled to citizenship rights in the Cherokee Nation; that his name appears on the 1880 and 1896 rolls; that he has continuously exercised the rights of citizenship; and that after the death of this wife he married a white woman, in 1889.

Referring to section 74 of the Compiled Laws of the Cherokee Nation (1875), which provides that -

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

you rejected the application <sup>on</sup> of July 29, 1902.

The Acting Commissioner of Indian Affairs, August 14, 1902, submitting the case, stated that the applicant strenuously contends

that because his rights of citizenship were not called in question in the manner provided by the Cherokee law, section 669, edition of 1892, your Commission has no rights to inquire into such rights, and he recommended that your decision be affirmed.

The question of your power in this particular was disposed of by the Department in its decision in the case of Hugh E. Dudley, May 26, 1902, in which the Department concurred in the opinion that your Commission had authority under its general power, to adjudicate the question. See also Departmental letter of August 6, 1902 in the case of Phillip T. Johnson.

Finding no reason to disturb your decision in the case under consideration, it is hereby affirmed.

\* Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

EMD

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 5, 1902.

Respectfully,

9-11-02  
Acting Chairman.

COPI

Cherokee D 1184.

Muskogee, Indian Territory, October 7, 1902.

William P. Thompson,

Attorney for Isaac B. Hitchcock,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Isaac B. Hitchcock for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 5, 1902.

Respectfully,

*Thomas S. Smith*  
Acting Chairman.



OPY.

Cherokee D 1184.

Muskogee, Indian Territory, October 7, 1902.

Isaac B. Hitchcock,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 5, 1902.

Respectfully,

*Samuel D. May.*  
Acting Chairman.

Cher R 721

Cher R 721

ENROLLMENT REFUSED.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ballisaw, P. T., August 6, 1900.

In the matter of the application of Sarah E. Ward for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles who testifies as follows:

- Q What is your name? A Sarah E. Ward.  
Q What is your age? A Forty-seven.  
Q What is your post-office address? A Muskogee.  
Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen? A Yes sir.  
Q Have you ever been enrolled by the Cherokee Tribal authorities? A I don't know whether I have or not; if I have I don't remember.  
Q Does your name appear upon any of the Tribal rolls? A I don't know whether it does or not; I don't think it does though.  
Q How long has your name been Ward? A About twenty years.  
Q Do you claim citizenship as intermarried? A No sir, I am a Cherokee by blood.  
Q What district did you live in in 1880? A I lived in the Choctaw Nation, Skullyville County.  
Q Did you ever draw any money? A No sir.  
Q You know whether your name is on any of the rolls or not don't you? A No sir I don't.  
Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation in 1896 under the Act of Congress? A No sir, I was denied on the ground of living in the Choctaw Nation.  
Q Were you admitted by the United States Court in the Indian Territory upon appeal from the decision of the Tribal authorities of the Cherokee Nation? A No sir, I was left out on the grounds of living in the Choctaw Nation.

Com'r Needles: Your application for enrollment as a citizen of the Cherokee Nation is refused, for the reason that under the Act of Congress approved May 31st, 1900, in Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen in any tribe in the Indian Territory who has never been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior. This decision denying your application for enrollment will be sent to the Honorable Secretary of the Interior for final approval when the final rolls of the citizens of the Cherokee Nation are sent to him for consideration and approval.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of August 1900.

Commissioner.

*Wm 23 73-*  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE LAGUNA DE LA LAGUNA

FILED  
AUG 6 1900

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

Date

C 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Commission to the Five Civilized Tribes.  
Tushkahomma, Indian Territory,  
October 9, 1899.

In the application of Sarah F. Ward for enrollment of herself and children as Choctaws; being sworn and examined by Commissioner McKenna she testifies as follows:

- Q What is your name? A Sarah F. Ward.  
Q How old are you? A forty six.  
Q You are a Cherokee Indian are you not? A Yes sir.  
Q What degree of Cherokee blood have you? A My mother was about a full blood, and my father was a white man.  
Q What was your husband's name-Mr. Ward? A Jeremiah Ward.  
Q He claimed Choctaw citizenship did he not? A Yes sir.  
Q He was admitted by the Dawes Commission as a Choctaw, was he not? A Yes sir.  
Q He is dead is he not? A Yes sir.  
Q Were you living with him at the time of his death? A Yes sir.  
Q When were you married to him? A We was married in 1879.  
Q Where? A At Skullyville.  
Q Under the Choctaw law? A A preacher, he is dead.  
Q Just a minister performed the ceremony? A Yes sir.  
Q You know whether he had any license or not? A No sir we had'nt; I dont know that they required any license then.  
Q At the time your husband made application for citizenship as a Choctaw to the Dawes Commission in 1896 you made application for yourself and your children as citizens of the Cherokee Nation did you not? A I made it with his first, and then I made out for the Cherokee Nation.  
Q Did you apply both as a Cherokee and a Choctaw?  
A Yes sir, I applied with him as a Chictaw citizen here.  
Q You were denied citizenship as a Choctaw and as a Cherokee as you understand it then? A I was denied as a Cherokee.  
Q As to the Choctaw application you think that has not been finally settled? A Yes sir, that's what you told me when I appeared before you down gonder.  
Q You have some children by him? A Yes sir I have three.  
Q What is the oldest named? A Henry B. seventeen years old.  
Grover C. fourteen years old; Francis F. Thirteen years old.  
Q These are children by Jeremiah Ward and they are living now?  
A Yes sir I have one dead.  
Q Where have you been living with these children? A Right there at one place is the Choctaw Nation, Skullyville County.

Examined by Choc Com'r Lewis:

Q When your husband applied to the Dawes Commission did he applied for you too? A Yes sir.

Q You dont know whether they admitted you or not? A No sir.

Examined by Art'y Frederick:

Q Who prepared the papers for the application? A Judge John Taylor.

Judge John Taylor being sworn and examined states:

- Q What is your name? A John Taylor.  
Q How old are you fifty-three.  
Q Were you acquainted with Jeremiah Ward? A Yes sir.  
Q How long did you know him? A 25 or 40 years .  
Q What do you know of his Choctaw citizenship? A I dont know anything about that only that he always lived in Skullyville County, and held different official positions; was Sheriff and Circuit Judge and County Judge, but as far as his being a Choctaw I could'nt say, I dont know anything about that. I prepared his papers and sent them to the Commission.

Examined by Attorney Frederick:

Q Who was included in that application? A I think I included Judge Ward and his wife and the children; I could'nt swear positively to that.

Q Who made out the application for Mrs. Ward for Cherokee citizenship? A I dont know.

Examined by Commissioner McKenna:

Q You are certain that the application for Choctaw citizenship included his wife and children? A I could'nt say positively, but I believe it did.

Commissioner McKennon: Following is an Act of the Choctaw Council: "An act permitting Mrs. Ward and family, and John and Wm. Cooper to remain in the Nation.

Sec. 3: Be it enacted by the General Council of the Choctaw Nation assembled, that Mrs. Ward and family, and Wm. Cooper and John Cooper are hereby permitted to remain in the Nation during good behavior. Approved October 1841."

The following is a copy of an original paper in possession of the National Secretary of the Choctaw Nation.

"A resolution directing the Principal Chief to vacate the commission of Jeremiah Ward, who was declared elected Circuit Judge of the 1st Judicial Circuit at the last general election, August 1884, is and was at the time of said election ineligible to said office, for the reason that he is not now, nor has he ever been, a lawful citizen of said Nation, there having been no law or treaty which provided for his intermarriage with a Choctaw, and if their had been, he having forfeited his rights by subsequent marriage with a woman not a Choctaw by blood, and Whereas, great injury will result to the Nation and to the citizens thereof, unless an eligible Judge be appointed in time to hold the term of said Circuit Court of said 1st District, to be holden the 1st Monday in November, 1884;

Therefore, be it resolved by the General Council of the Choctaw Nation assembled, that the Principal Chief is hereby authorized and required to declare the office of Circuit Judge of said 1st Judicial Circuit vacant, and appoint some well qualified and lawful citizen of this Nation and said district to fill said office and that this resolution take effect and bein force from and after its passage.

Proposed by James M. King, Chairman Committee. Prin. Chief's Message."

Indorsed:

"Passed the Senate Nov. 3rd, 1884. Chas. Winston, Pres. Passed the House and referred to Chief Nov. 3rd, 1884. Jno. R. James, Spr pro tem. Approved Nov. 3rd, 1884 Ed McCurtain, Prin. Chief, C. E. No 34."

And indorsed on the other side:

"To 34. A Resolution vacating the Commission of Jeremiah Ward, Judge of the 1st Judicial District."

Com'r McKennon:

This application is for the enrollment of Mrs. Ward and the three children above named. She being a Cherokee citizen, and not a white woman, could have acquired no rights as an intermarried person by marrying Jeremiah Ward, if he was a Choctaw citizen by blood. If she and the children were included in the application with Jeremiah Ward, the husband and father, who were rejected by the Dawes Commission in 1896, that judgment is final against them, and they could not be enrolled; besides those children being now of ages just mentioned were not born since the present recognized rolls of the Choctaw Nation were made, and the Commission would therefore have no jurisdiction to enroll them, even if there was no judgment against them in 1896, as above stated. The enrollment of all will therefore be refused.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I, hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ellen Mieling



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 12, 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sarah F. Ward and her three minor children. Sarah F. Ward being duly sworn by Acting Chairman Bixby testified as follows:

EXAMINATION BY THE COMMISSION.

- Q. What is your name? A. Sarah F. Ward.
- Q. What is your age? A. 47 going on 48.
- Q. What is your postoffice address? A. Bokoshe.
- Q. How long have you lived in the Choctaw Nation. A. About 21 years. 21 or 22.
- Q. Have you lived there continuously for that length of time? A. Yes sir, I have lived right there on one place.
- Q. Where did you come from to the Choctaw Nation.
- A. Cherokee Nation, from Sequoyah District.
- Q. Were you born in the Cherokee Nation? A. Yes sir.
- Q. Have you ever enrolled as a citizen of the Cherokee Nation?
- A. Yes sir. The first time I married, I married a white man, and he had to get a license from the Cherokees.
- Q. You left the Cherokee Nation before 1880? A. Yes sir.
- Q. Have you ever been enrolled in the Choctaw nation? A. Not that I know of.
- Q. Did you ever draw any money for yourself and your children from the Choctaw nation? A. Mr. Ward drew after we was married, but I didn't draw any.
- Q. What was your father's name? A. Charles Fleetwood.
- Q. What was his nationality? A. I don't remember now. I think he was from South Carolina. I think he was born and raised in South Carolina as well as I can remember.
- Q. He was a white man? A. Yes sir.
- Q. He is dead now? A. Yes sir.
- Q. What was your mother's name? A. Lucinda Fleetwood.
- Q. Did she belong to any tribe of Indians? A. Cherokees, she always told me. She was born and raised with them.
- Q. You are applying now for the enrollment of yourself and your three children, Henry B. Grover Cleveland and Frances T. Ward as citizens of the Choctaw nation? A. Yes sir.
- Q. Those are your three boys that are now living are they?
- A. The youngest one is a girl, Frances.
- Q. Who was the father of these three children? A. Jeremiah Ward.
- Q. Is he living? No sir.
- Q. Was he member of any tribe of Indians in the Indian Territory? A. Choctaw by blood is what he always told me.
- Q. To what tribe did he belong? A. Choctaw.
- Q. Always been recognized by the Choctaw authorities as a member of the tribe? A. Yes sir.
- On October 9th, 1899, at Tushkahoma, Indian Territory Sarah F. Ward, applied for enrollment of herself and her three minor children as citizens of the Choctaw Nation. Upon an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of these persons were not found thereon.
- On August 6th, 1900 at Sallisaw, Indian Territory, Sarah F. Ward appeared before the Commission as an applicant for enrollment as a citizen of the Cherokee Nation. Her application was refused under the provisions of the act of Congress, approved May 31st 1900 for the reason that her name was not found upon any of the tribal rolls in the possession of the Commission, nor had she ever been admitted to citizenship in the Cherokee Nation by the tribal authorities thereof or by the properly constituted authorities of the United States.

Q. Mrs. Ward, did you ever make application to the commission to the Five Civilized Tribes under the act of Congress of June 10th 1896, for citizenship in the Choctaw Nation? A. Mr. Ward made it in his application.

Q. Your name was included in that application? A. Yes sir, mine and the three children.

Under the act of Congress of June 10th, 1896 an original application for citizenship in the Choctaw Nation was filed by Jeremiah Ward and the same appear upon the 1896 citizenship docket C, Choctaw case No. 32. The original application in this case was filed September 9th, 1896 and prayed that Jeremiah Ward, Sarah F. Ward, Henry B. Ward, Grover C. Ward and Frances F. Ward be admitted to citizenship in the Choctaw Nation and duly enrolled as such citizens. On October 7th, 1896, the answer of the Choctaw Nation was filed thereto? The original petition in this case alleges that the applicant, Jeremiah Ward was born in 1822 in the state of Mississippi and that in the year 1844 he married a Chickasaw Indian and after her death in 1849 married a Choctaw Indian woman by whom he had a number of children. In 1876 for various reasons a divorce was granted from his Choctaw wife, and he then in the year 1879 married his present wife, Sarah F. Ward, nee Palmore, a Cherokee woman by whom he has three children. It appears that the applicant, Jeremiah Ward claims his right by reason of his marriage to his second wife and makes claim on behalf of his Cherokee wife by reason of her marriage to him.

The original entry on the 1896 citizenship docket of Choctaw Nation is as follows: "Application granted as an intermarried citizen" and on the face of the original papers filed in this case the following notation: "Jeremiah Ward is admitted as an intermarried citizen."

There is no record of any appeal having been taken from the decision of the commission nor does it appear that there has ever been any action taken by the Commission on the application filed by Jeremiah Ward in 1896 for his wife, Sarah F. Ward, and their three children, Henry B. Ward, Grover C. Ward and Frances F. Ward?

Q. Did you ever make application to the commission to the Five Civilized Tribes in 1896 for citizenship in the Cherokee Nation? A. Yes sir, I had no proof though and Mr. Ward was down sick and I couldn't get out to get it and made it to the best of my knowledge and was rejected.

Q. Do you know the title of the case in which your application was included? A. Yes sir.

Q. What is it? A. I just asked them to enroll me over there as a Cherokee and stated that I was a Cherokee by blood.

Q. I mean in 1896 at the time Mr. Ward made the application for citizenship in the Choctaw Nation didn't you make an application for citizenship in the Cherokee Nation? A. Yes sir, and was rejected.

Q. Do you know the title of that case? A. No sir, I don't remember now, I have got a notice of it though at home where it was rejected.

The records of the Commission of original applications for citizenship in the Cherokee Nation heard under the act of Congress of June 10th, 1896 examined and on page 443 of citizenship docket B. in Cherokee case 5572, Eljerry Fleetwood et al versus the Cherokee nation original application filed September 7th, 1896. The answer of the Cherokee Nation was filed and on November 28th, 1896 the Commission admitted to citizenship in the Cherokee nation, the applicants whose names were included in the original application filed with the Commission on September 7th, 1896. Included in such original application were the names of Sarah Fleetwood Ward, Grover C. Ward, Jerry Ward and Henry Ward. From the decision of the Commission the Cherokee Nation prayed an appeal to the United States Court for the Northern District of the Indian Territory, and that court on November 10th, 1899 in court case No. 252 rendered a decision admitting to citizenship in the Cherokee Nation 24 of the applicants named in the original petition. By the same judgment citizenship in the Cherokee Nation was denied the following persons: Sarah Ward, Samuel Meeks, Susan Palmore, \_\_\_\_\_ Ward, Johnnie Fleetwood, Andrew Palmore, Grover Cleveland Ward, \_\_\_\_\_ Ward, Roxie Fleetwood, Arizona Fleetwood, and Minnie Fleetwood.

The persons to this application apply for enrollment as citizens of the Choctaw nation but their names are not found upon any of the tribal rolls of the Choctaw Nation nor does it appear from an examination of the Choctaw records in the possession of the Commission and the records of the Commission, that they have ever been admitted to citizenship in the Choctaw nation by the tribal authorities thereof or by this Commission acting under the law of June 10th, 1896 or by the United States Court in Indian Territory on appeal.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 12th day of March 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(signed) Myra Young.

Subscribed and sworn to before me this 13th day of March 1901.

Guy L. Emerson.  
Notary Public.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the testimony offered in evidence in the above cause, as appears from the transcript in possession of the Commission.

Muskogee, Indian Territory,  
June 11, 1902.

*W. S. H. [Signature]*

*[Handwritten mark]*

Supl.-C.D.#1192.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH F. WARD  
as a citizen of the Cherokee Nation,

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

SARAH F. WARD, being duly sworn, testified as follows in her own behalf.

BY COMMISSION:

- Q What is your name? A Sarah F. Ward.  
Q How old are you? A 49.  
Q What is your post office address? A Bokesha, I. T.  
Q You have heretofore applied to the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.  
Q You have also made application to the Commission for enrollment as a citizen of the Cherokee Nation? A Yes.  
Q Is there any statement that you desire to make at this time relative to your enrollment as a citizen of the Cherokee Nation?  
A Nothing only to identify me that I am the person.  
Q There is no additional evidence that you desire to introduce?  
A No, sir.  
Q Do you submit the case to the Commission for final consideration?  
A Yes, sir.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE CIVILIZED TRIBES  
FILED  
MAY 20 1901

*[Handwritten signature]*

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Involves also three children; make doubtful and see court case 252 and Commission case 5,572, Docket "B"; also Choctaw record; judgment stated.

Cherokee D 1192

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sarah W. Ward as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900, Sarah W. Ward appeared before the Commission at Salisaw, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1901.

The records of the Commission show that on September 7, 1896, she came before the Commission and made application for admission to Cherokee citizenship under the Act of June 10, 1896 (29 Stat., 411), and the judgment of the Commission was rendered on November 27, 1896 admitting her to citizenship in said nation. An appeal was taken to the United States Court in Indian Territory, Northern District, and the judgment of the Commission was reversed on December 10, 1899, and her application for admission to citizenship in the Cherokee Nation was denied by said court.

The said Sarah W. Ward is not identified in any tribal roll of the Cherokee Nation in possession of this Commission, neither does it appear that she has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, nor that she has been recognized as a citizen thereof.


The Act of Congress, approved March 3, 1900 (31 Stat., 141) provides:

"That said Commission shall continue to exercise all authority heretofore conferred in it by law. But it shall not receive, consider or make any record of any application of any person for enrollment, as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Sarah W. Ward is not a citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provisions of law above quoted, it is without authority to receive, consider or make any record of her application for enrollment as a citizen of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this \_\_\_\_\_

11

11

IVIAN

25



COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1188

Muskogee, Indian Territory,

March 1,

1902.

Mrs. Sarah F. Ward,

Bokosha, Indian Territory.

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

**March 31, 1902**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

**as you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register.

Acting Chairman.  
XXXXXXXXXX

Cherokee D 1192.

COPY.

Munkogee, Indian Territory, July 29, 1902.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Sarah F. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Needles.

Commissioner in Charge.

Enc. C. No. 2.

Cherokee D 1192.

COPY

Muskogee, Indian Territory, July 29, 1902.

The Commission to the Five Civilized Tribes,  
Choctaw-Chickasaw Enrollment Division,  
Muskogee, Indian Territory.

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Sarah P. Ward, your number, B 321, for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. H. C. C.*

Commissioner in Charge.

Enc. C. No. 3.

Cherokee D 1192.

COPY.

Muskogee, Indian Territory, July 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sarah F. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*cc'dles.*

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 Inclosure-

C. No. 4.

COPY

Cherokee D 1192.

Muskogee, Indian Territory, July 29, 1902.

Sarah F. Ward,

Bokoshe, Indian Territory.

Madam:

There is herewith transmitted a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with the decision of the Commission rejecting your said application.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*W. H. C. C.*

Commissioner in Charge.

Enc. C. No. 1.  
Register.

Refer in reply to  
the following:  
Land  
45882-1902.

COPY.

Department of the Interior,

~~Office of Indian Affairs,~~

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sarah F. Ward for enrollment as a citizen by blood of the Cherokee Nation.

The applicant applied in 1896 to the Commission for enrollment. Upon appeal the United States District Court denied her rights to citizenship in the Cherokee Nation. She is not identified on any of the tribal rolls.

The Commission is of the opinion that it is without power to enroll her.

The office agrees with this conclusion and respectfully recommends that the Commission's decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

8092  
D. C. No. 14486-1902.

L. R. S.

51780

EAF.

ITD. 4989-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 29, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of Sarah F. Ward as a citizen of the Cherokee Nation.

It appears that in 1896 the Commission admitted this applicant to citizenship in said nation, and upon appeal the United States Court reversed your decision; that her name is not on any tribal roll, and she has never been admitted by the Cherokee authorities to citizenship. In accordance with the act of May 31, 1900 (31 Stat., 221), you held that the Commission is without authority to receive or consider her application.

In forwarding the papers August 14 the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision, dated July 29, 1902.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

Cherokee D 1192.

Muskogee, Indian Territory, September 9, 1902.

Choctaw-Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that the decision of the Commission, rendered July 29, 1902, refusing the application of Sarah F. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, a copy of which decision has heretofore been furnished you, was approved by the Department under date of August 29, 1902.

Yours truly,

Acting Chairman.



Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Sarah F. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 17, 1902.

Sarah F. Ward,

Bokoshe, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cher R 722

Cher R 722

(Memo.)

"R"

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I. T., November 21st, 1900.

In the matter of the application of Nancy Phillips for the enrollment of herself and one child as Cherokee citizens, she being duly sworn before the Commission, testified as follows:

Q What is your name? A Nancy J. Phillips.  
Q What is your age? A 52.  
Q What is your post office address? A Talala.  
Q Are you a Cherokee citizen? A Yes, sir, part Cherokee.  
Q How much Cherokee blood have you? A About a quarter.  
Q Who do you want to have placed on the rolls? A Myself and one child.  
Q How long have you lived in the Cherokee Nation? A I have been living here all my life.  
Q Have you been outside of the Cherokee Nation for any purpose within the past three years? A No, sir.  
Q What is your father's name? A Henry Robison.  
Q Is he living? A No, sir.  
Q Was your father a Cherokee? A Part Cherokee and part colored.  
Q Give me the name of your mother? A Ann Henry Dimron.  
Q Is she living? A She is dead.  
Q Was your mother a Cherokee? A Part.  
Q Give me the name of your child? A Lula Phillips.  
Q How old is she? A 15.  
Q Who is the father of Lula? A Wesley Phillips.  
Q Is he living? A No, sir.  
Q Was he a Cherokee by blood? A No, sir, he was a white man.  
Q When were you married to him? A In 1886.  
Q Did you live with him until he died? A Yes, sir.  
Q Where were you living in 1880? that is, in what district? A Cooweescoowee.  
Q Where were you living in 1886, what district? A Cooweescoowee.  
Q Did you ever draw money from the Cherokee Nation? A Yes, sir, twice.  
Q When did you draw money? A When Downing was Chief and bread money.  
Q What was your name in 1880? A Shaffer.  
Q Did you ever apply to the Dawes Commission for enrollment as a Cherokee citizen? A No, sir, only I went before them at Vinita when they were there and started to make application and they said you do not have to make application as you are already recognized. they said I was not the kind that had to make application. That's what Mr. McKinney told me.

WILLIAM ADAMS, called and sworn as a witness, testified as follows:

Q What is your name? A William Adams.  
Q How old are you? A 65.  
Q What is your post office address? A Alluwe.  
Q Do you know Nancy J. Phillips, the applicant here? A I knew her in the year 1870 and '71 on Russell Creek next to the State line; I settled there and knew her there.  
Q You knew her in 840 and '71? A Yes, sir.  
Q When was the last time you saw her until you saw her to-day? A I can't tell you.  
Q Have you ever seen her since '70 or '71 until you saw her here now? A No sir.  
Q How do you know that this is the same woman that you knew on Russell Creek in '70 or '71? A From what people say. She was a Shaffer when she lived there and was recognized as part Cherokee and part colored.

Nancy J. Phillips--2.

Q Was she recognized at that time as a Cheokee or as a colored woman?  
A I supposed her to be about half or each.

Q Do you now of your own knowledge whether she was recognized as a Cherokee by blood or a colored woman? A Not at that time, I did.  
Q Have you heard of her from that time until you saw her to-day?  
A No sir, I have not seen her or heard of her until the other day.  
Q Did you recognize her as the woman that you knew on Russell creek in '70 or '71? when you saw her the other day for the first time?  
A No, she told me that she was the Shaffer woman, or at least told me that that had been her name and I knew that that was the woman that live up there then.

BY CHEROKEE REPRESENTATIVE STARR:

Q How far did you live from her when you were living up on Russell creek? A Three miles.

Q How long did you live there? A Two years: after I first knew them before I moved to Alluwe where I now live.

Q Did you know her the two years that you live near her? A Yes, sir, that is, I got acquainted with her shortly afterwards and knew her from the time I did get acquainted with her until the time I moved to Alluwe.

Q When was it that you knew her? A Well, it was in '70 or '71 or it might be later, '72 or '73, it was either one of those two years.

Q You never knew her before that? A No, sir.

Q Have not seen her since until to-day? A No, sir, never seen her until I saw her down here.

Q BY CHEROKEE REPRESENTATIVE STARR OF APPLICANT:

Q Have you owned property in the Cherokee nation? A Yes, sir.

Q What was that property? A Stock and houses.

Q Did you ever own a farm? A Yes, sir, two.

Q Do you own one now? A Yes, sir, I own one.

Q Were your farms ever sold by the Cherokee Nation? A Yes, sir, one of them was. The Sheriff sold it in my husband's name.

Q The Sheriff sold your farm did he? A Yes, sir.

Q Did he sell both of them? A No, sir, he sold one.

Q Was your farm ever appraised by the United States authorities before it was sold? A I don't know if it was appraised or not.

Q Did the Cherokee authorities offer to pay him (your husband) for it? A Yes, sir, they offered to pay him.

Q Did he accept it? A No, sir.

Q And then afterwards the Sheriff sold it? A Yes, sir.

Q Did not he sell both of them? A No, sir, only one.

BY THE COMMISSION:

The applicant applies for the enrollment of herself and one child: She avers that she has lived in the Cherokee nation all her life. She is not identified on any of the tribal rolls of the Cherokee Nation and her application comes under the Provision of the Act of Congress approved May 31st, 1900, which provides that this Commission shall not receive, consider or make any record of your application for the reason that your name does not appear upon any of the tribal rolls of the Cherokee nation and for the reason that you have not been legally admitted to citizenship in the Cherokee Nation by the Cherokee authorities or the Commission to the Five Civilized Tribes, or the United States Court, and therefore, only a memorandum will be made to the effect that you have applied. If you desire this memorandum reported to the Secretary of the Interior, and will so state to this Commission in writing, it will be done when the final rolls of the Cherokee nation are sent to him for approval.

Wesley J. Phillips---3

Chas. von Weise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause and that the above is a full, true and correct transcript of his stenographic notes therein.

*Chas von Weise*

Subscribed and sworn to before me this 26th day of November, 1900.

*W. J. Phillips*  
*WJP*

Commissioner.

~~Memorandum~~

10/15

13

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
NOV 21 1900



ACTING CHAIRMAN.

# CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 21 1900 1900.

Name Lelala J. S.

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License 52

Certificate \_\_\_\_\_

Wife's name Nancy J. Phillips

District \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Citizen by blood ages 1/4

Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Names of Children:

Lula Phillips

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age 4

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

*Registered  
jurisdiction*

*to ward of*



Supl.-C.D.#1206.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY J. PHILLIPS, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 21st day of March, 1902, and that on said day she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and the applicant failing to respond either in person or by attorney, the case is considered completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rosson*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lula Phillips, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Nancy J. Phillips appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself and her minor child, Lula Phillips, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902.

It does not appear from the evidence in this case that either of the applicants herein have ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that they, or either of them, have ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that they, or either of them, have ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321).

The Act of Congress of May 31, 1900, (31 Stats., 221) provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Nancy J. Phillips and Lula Phillips are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provision of law above quoted, it is without authority to receive, consider, or make any record of their application for enrollment as citizens of the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

this \_\_\_\_\_

JUL 10 1902

( C O P Y )

Cooweescoowee Dist.

Cherokee Nation, I.T.

To all whom it may concern:

Know ye:

That I, Wm. V. Carey clerk of the  
aforesaid Dist. and ---now do this day by virtue of the  
authority in me vested by Law, issue a License of Marriage to  
one W. T. Phillips a citizen of the United states to marry one  
Mrs. Jennie Shafer, a bona fide citizen of the Cherokee Nation.  
He, the said W. T. Phillips having complied with the Law regulating  
Intermarriage with citizens of United States and citizens of  
the the Cherokee Nation. Now Therefore-  
To any of the Judges and clerks of the Cherokee Nation or any  
Regularly ordained minister of the Gospel of any Evangelical Denomina-  
tion: Greeting:

You are hereby authorized and empowered to solemn-  
ize the rites of matrimony between the said parties, and Return  
this License to this office for Record within thirty days from  
the solemnization of such marriage, together with a certificate  
of such ceremony attached on the back of this License properly  
signed and attested as provided by Law.

Given from under my hand and official seal this  
6th Day of October, 1886.

Wm. V. Carey Clk.

Cooweesdoowee Dist.  
C.N.

( S E A L )

(2)

MARRIAGE CERTIFICATE:

This certifies that W. T. Phillips of Cherryvale  
Kansas, and Janie Shafer, a citizen of the Cherokee nation were  
by me united in holly Matrimony on the eighth of October, in  
the year of our Lord one thousand and eight hundred eighty six.

Haywood Jones )  
Nancy Jones ) Witness

Samuel webber  
Minister of the Gospel.

Recorded this 24th day of May, A. D. 1887 as provided by Law.

Wm. V. Carey Clk.  
Coo. Dist. C.N.

Filed for record this the 9th day of Oct. A. D. 1886.

Wm. V. Carey  
Clerk Cooweescoowee District.  
C.N.

-----  
DEPARTMENT OF THE INTERIOR  
RECEIVED  
AUG. 20 1902  
Enc. No. 1  
Indian Territory. 5147

DEPARTMENT OF THE INTERIOR  
Mar. 30 1905  
Returned with No. 3246  
Inclosure 3 Ind. Ter. Div.

Cherokee  
R-722

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., February 24, 1905.

In the matter of the application for the enrollment of  
~~Nancy J. Phillips and her minor child, Lulu Phillips, as Cherokee~~  
Freedmen.

W. S. Stanfield, Attorney for applicants,  
APPEARANCES: James S. Davenport, for Cherokee Nation.  
BY THE COMMISSION:

It appears from the records of the Commission that on November 21, 1900, the principal applicant appeared before this Commission, at Chelsea, Indian Territory, and applied for the enrollment of herself and her minor child, Lulu Phillips, as Cherokee Citizens, and that they were then listed upon Cherokee Card D-1205; that on July 29, 1902, the Commission rendered its decision that said Nancy J. Phillips and Lulu Phillips were not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such, and that it is without authority to receive, consider or make any record of their application for enrollment as citizens of the Cherokee Nation; that on July 28, 1902, the Commission transferred the record of proceedings had in said matter to the Secretary of the Interior for his approval; that on August 29, 1902, the Secretary of the Interior approved the decision of the Commission; that on September 17, 1902, the action of the Secretary of the Interior on said application was duly forwarded to the Attorneys for the Cherokee Nation, and also the applicants, by mail; that thereafter they were transferred from Cherokee D-1205 to Cherokee R-722.

BY MR. STANFIELD, Attorney for applicant:

"The applicants now contend that they are citizens of the Cherokee Nation by virtue of being freedmen or free Negroes, and that they returned to the Cherokee Nation after the War, in the year 1865 or '66; permission having been had by the Commission to appear and introduce testimony showing their citizenship as freedmen or free Negroes, their application before being as Cherokee Indians by blood."

BY MR. DAVENPORT, Attorney for the Cherokee Nation:

"The Cherokee Nation objects to the receiving of the application at this time for the reason that there has been no authority of law to authorize them to receive any application since September 1, 1902."

Nancy J. Phillips, having been first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Nancy J. Phillips.  
Q What is your postoffice address? A Vere, Indian Territory.  
Q Did you appear before the Commission in 1900, and apply for the enrollment of yourself as a Cherokee by blood? A Yes sir.  
Q What name did you give at that time? A Nancy Phillips; but my name was Nacey.  
Q And did you apply for anybody else at that time? A Yes-sir, Lulu.

Nancy J. Phillips--2

Q Yourself and your girl as Cherokees by blood? A Yes sir.  
Q Never applied as Freedmen? A I just applied this way---  
Q Are you applying now as a freedman or not? A Yes sir, I have to go in that way with my sisters.  
Q You are now making application for yourself and your girl as Freedmen? A Yes sir.  
Q How old are you? A I am 55.  
Q How old is Lulu? A 18 now.  
Q Where was she born? A Here in the Territory.  
Q Were you born in the Territory? A Yes sir, in Illinois Destrict.  
Q Cherokee Nation? A Yes sir.  
Q Were you a slave? A No, never was; none of my people.  
Q Where have you lived since you were born? A Lived here in the Territory.  
Q In the Cherokee Nation, or where? A Here in the Cherokee Nation.  
Q Lived anywhere else? A No sir. I went out of here in time of the War.  
Q At the beginning of the War? A When the War first broke out.  
Q Where did you go? A To Fort Scott.  
Q Where is that? A In Kansas.  
Q You went about the beginning of the War? A Yes sir.  
Q Who went with you? A My parents; mother and father.  
Q Were your parents freedmen? A No sir, they is not freedmen; free born people.  
Q When did you come back? A In '65.  
Q What month was it? A Long near as I remember it was January; about middle of January '65; it was cold.  
Q Who came with you? A My parents.  
Q Where have you been living since then? A Here in the Territory.  
Q Where in the Territory? A Live down here on Caney now.  
Q Always lived in the Cherokee Nation since you came back in '65? A Yes sir.  
Q Lived in any other Nation? A No.  
Q Where was your child, Lulu, born? A Born on Timber Lake.  
Q Is that in the Cherokee Nation? A Yes sir.  
Q Who was her father? A Phillips.  
Q What was his first name? A Wesley.  
Q When you came back in '65 where did you settle? A Went down here on Neosho river; crossed at Hutching's Ferry, we turned right down to Mary Berry's place, we stayed there then we moved on Big Cabin.

BY MR. DAVENPORT:

Q How old were you when the War broke out? A I could not tell you exactly how old.  
Q Was you grown? A I was about 13 years old.  
Q Where were you living when you can first remember? A Here in the Cherokee Nation.  
Q What place? A In Illinois Destrict, close to old Chief Ross's, John Ross.  
Q In Illinois District? A Yes sir.  
Q Don't you know that John Ross never lived in Illinois district? A Yes sir. They called him Chief. Arkansas?  
Q Do you remember when your family lived in Kansas? A No sir, never lived in Kansas. Arkansas.  
Q You are a sister to William H. Robinson and Tobe Robinson? A Yes sir.  
Q Wasn't your people living there and called free Negroes in Arkansas when in 1862 passed an act requiring all free Negroes in the States to select an owner; didn't your people then move from there? A No sir.



Nancy J. Phillips--3

- Q You say you were 12 or 13 when the war broke out? A I was small I can't remember.
- Q How old were you when you went to Fort Scott? A I can't tell you; a good size little girl.
- Q How long after the War was it, before you moved from Fort Scott back to this country? A In '65.
- ~~Q Before or after the war? A After the war.~~
- Q You never started back from Fort Scott to the Cherokee Nation until after the war had closed? A Yes sir.
- Q Did you start back from Fort Scott before or after the the surrender? A After.
- Q And you came back after the close of the Civil War? A Yes sir.
- Q And when you got back to the Cherokee Nation there was snow and ice on the ground? A Yes sir. In '65, in January.
- Q Have you ever made an application to the Commission to the Five Civilized Tribes, before to-day, to be enrolled as a free colored person, in the Cherokee Nation? A No sir, never have.
- Q If you have any rights at all in the Cherokee Nation, you now, to-day, are making application to such rights as a free colored person? A Yes sir. We got the blood and they might take it away from us, but can't help it.
- Q Are you making application now as a slave of a Cherokee citizen, or free colored person living in the Cherokee Nation when the war broke out and who returned to the Cherokee Nation in the time provided by the Treaty? A Yes sir.

By Mr. Davenport:

"At this time the representatives of the Cherokee Nation desire to object to the receiving and hearing of this application at this time, for the reason that there has been no law authorizing original applications to be received by the Commission since September 1, 1902, and the representatives of the Cherokee Nation now move that there be no further proceedings taken in this case, and that the record as taken to-day be submitted by the Clerk in Charge to the Commission for final action as to whether or not they will now receive original applications for enrollment in the Cherokee Nation."

By Mr. Stanfield:

- Q When you left the Cherokee Nation to go to Kansas, were you escorted by the troops, or not? A Yes sir; we was taken cross the line by the Soldiers.
- Q When you came back to the Cherokee Nation, did you come with the troops, or not? A Yes sir, they was in front of us, the troops was.
- Q Did you know Mrs. Green, who is here as a witness, at that time? A Yes sir.
- Q Do you know whether or not she was a nurse, with the troops? A Yes sir, she was a nurse.
- Q Did you see her on your way back? A Yes sir, she was always--passed right on by us; we had an ox team--
- Q What was she doing? A She was with the soldiers.
- Q What was she doing with the soldiers? A She was a nurse.
- Q On that trip when did you last see her? A When we crossed the Neesho River, at Hutching's Ferry, in the Cherokee Nation.
- Q Do you know what body of troops it was that brought you back? A No, I don't; they was riding, all on horses.
- Q Do you know where the troops were bound for? A Fort Gibson.
- Q Where were you when the war broke out? A In the Territory.
- Q What Nation? A Cherokee.

Nancy E. Phillips--4

By the Commission:

- Q Was Tobe Robinson your brother? A Yes sir.  
Q Was William H. Robinson your brother? A Yes sir.  
Q Did you three come back together? A No sir.  
Q Who came first? A I came in '65 and they in '86.  
Q They both came together? A Came with the old folks.  
Q What old folks? A Mother and father.  
Q I thought you came back with your father and mother? A No, in '65, I come back with Berry and John and his sister Mary; Shafer Berry.  
Q Was Tobe Robinson your brother? A Yes sir.  
Q William H. Robinson your brother? A Yes sir.  
Q Same father and mother? A Yes sir.  
Q How old did you say you were? A 55.

"Tobe Robinson, the brother of the applicant, is identified on Cherokee Freedmen D-686; William H. Robinson, another brother, is identified on Cherokee Freedmen Card D-674.

- Q You never drew any money in the Cherokee Nation? A Yes sir. The bread money.  
Q When? A Directly after the war, when times was so hard they had to--  
Q How did your brothers get the money and you didn't? A They made application that way, for Cherokee citizens but, but the old man didn't I could'n't see that way, and when I made application I made it Cherokee Freedman.  
Q How did your brothers get the money and you didn't? A They wouldn't let me have it because I didn't go in with them, that's all I can tell; they drew the money.

"The name of the applicant is not upon the tribal rolls of the Cherokee Nation in the possession of the Commission.

(Witness excused)

Emely Green, having been first duly sworn, testified as follows on behalf of the applicant:

Examination by the Commission:

- Q What is your name? A Emely Green.  
Q How old are you? A About 50 when the war come up, 21, when the war come up.  
Q Must be over 60 now? A Yes.  
Q Are you a Cherokee? A You bet you.  
Q Are you on the roll? A You bet you.  
Q Do you know Nancy J. Phillips? A You bet you.  
Q How long have you known her? A Before the war.  
Q Where did you first get acquainted with her? A John Ross's; she was there, in Tahlequah District.  
Q Was that the Ross, Chief of the Nation? A Yes sir.  
Q Where was she living at the beginning of the war? A Fort Scott.  
Q Did she go there before the war commenced or after? A We had to go, when I up there--they took all the refugees to Fort Scott; I was a nurse in the Army.  
Q The war had commenced before they went out? A Yes sir.  
Q Did you know her during the war? A Yes sir.  
Q When? A I knowed her in the war and before the war.



Nancy J. Phillips--8

- Q Did you see her during the war all the time? A Yes sir, at Fort Scott, I tell you.
- Q You was there too with her? A We left them all there and ~~that I served as nurse in the Army, we came to Fort Gibson and they was on behind.~~
- Q Did she come back at the same time? A All did I reckon, we was before them.
- Q How much behind you were they? A They crossed Neosho about the time we did.
- Q Have you seen her since then? A Yes sir.
- Q Very often? A Yes sir, pretty often.
- Q Where have you seen her? A To Big doins in the Cherokee Nation; she aint been out of the Cherokee Nation only in time of the War.
- Q And came back with the Soldiers, did she? A Yes sir.
- Q Do you know what year that was? A I don't know what year it was.
- Q Was the war ended at that time? A Pretty near it.
- Q What time of the year was it, do you know, that you came back to Fort Gibson? A '70, I believe.
- Q What time of the year? A It was cold.
- Q How soon after that did you see her? A Well, it wasn't long after I seen her?
- Q About how long? A About a month or two.
- Q And where was she at that time? A Timber Lake.

By Mr. Stanfield:

- Q When you came back to Fort Scott,, who came with you?
- A Soldiers.
- Q Where did you go? A Fort Gibson. Where they all stayed.
- Q Did you see Mrs. Phillips with this party on your trip back?
- A Yes sir; we stopped on Big Creek; they commenced to draw bread money down here to Coowescowee Distric; they all commenced to draw bread money.
- Q When did you last see her on the trip back? A We left them on Big Creek, this side Hutching's Ferry; she has been here ever since all I know.
- Q You don't know what year that was, then? A No, I never was a good sehollar and paid notattention.
- Q How long had the war been closed, or was it closed? A No, it wasn't closed; they was drawing bread money yet.
- Q Was there any fighting after you came back down here? A No.
- Q Were there soldiers in the Territory, or not? A Yes, all come to Fort Gibson.
- Q Do you know what Company it was? A Company D.
- Q Who was the Captain? A Major Felene and General Scott and Howe; Hospital man was Stew; I tell you I am an old soldier.
- Q Were you a nurse in the regular army? A Yes sir.
- Q For how long? A 4 years, during the war.
- Q From beginning to end? A Yes sir. Come back to Fort Gibson.
- Q Was you taken a prisoner? A No; I was in the Nation at the time; my brothers had to go away from them.
- Q You ran away from home to join the soldiers? A I went to the soldiers; my brother he went up there to old Dr. Ross's back East- they took all to Fort Scott and when the army got settled they come to Fort Gibson.
- Q Do you know whether Nancy J. Phillips has a child? A She's got three or four.
- Q Has she got a child named Lulu? A I don't know; her name now-- Lulu Fenwick.

Nancy J. Phillips, recalled, testified as follows:

Emmy J. Phillips--6

Q Where is your daughter, Lulu, now? A She is there on Bird Creek.  
Q Cherokee Nation? A Yes sir.  
Q Is she married? A Yes sir.  
Q When was she married? A Last August.

Emely Green, recalled, testified as follows:

By Mr. Stanfield:

Q Do you know as to whether her sisters and brothers came with her at the time she came back? A They all came back together.

(Witness excused).

Josie Davies, having been first duly sworn, states: That as stenographer to the Commission to the Five Civilized Tribes, she reported all the proceedings had in the above entitled cause on the 24th day of February, 1905, and that the above and foregoing is a full, true and complete transcript of her stenographic notes taken in said cause on said date.

Josie Davies -

Subscribed and sworn to before me this February 25, 1905.

Myron White  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MEMPHIS, T. T., JUNE 8, 1903.

In the matter of the application for the enrollment of Nancy J. Phillips as a Cherokee Freedman.

It appears from the records of the Commission that on the 29th day of July, 1902, the Commission rendered its decision denying the application for the enrollment of Nancy J. Phillips and her daughter, Rosa Phillips, as Cherokees by blood, and was approved by the Secretary of the Interior on August 29, 1902. The applicant now appears and asks to have her case adjudicated as a Cherokee freedman.

APPEARANCES: For Applicant, W. S. Stanfield, Vinita, I. T.  
For Cherokee Nation, James S. Davenport.

ELLIS GRIMMETT, being first duly sworn, testified as follows:

BY MR. STANFIELD:

- Q What is your name? A Ellis Grimmitt.
- Q What is your post office? A Welch, I. T.
- Q How old are you? A About 62.
- Q Do you know Nancy J. Phillips? A Yes sir.
- Q How long have you known her? A I don't know.
- Q Where did you first get acquainted with her? A It was in Fort Scott, Kansas.
- Q Was that before the war, during the war, or since the war?
- A During the war.
- Q Where did you first see her, was it after the war in the Cherokee Nation? A Yes sir.
- Q How soon? A Just about the first breaking up of the war.
- Q Where did you see her? A Hereon the Neesho River near Mud Creek.
- Q What was she doing there? A Living there in the bottom next between Mud Creek and the Neesho River.
- Q What time was that with reference to the war that you saw her living on Neesho River? A I would not be positive just what year it was.
- Q With reference to the war, had the war closed or not? A It was after the war.
- Q With reference to the time that the refugees were brought back from Kansas by the Troops, when was that? A I couldn't say just what year it was, it was somewhere in the neighborhood of that, about that time, but I couldn't tell just what year it was.
- Q Do you remember the circumstances of the troops bringing the refugees back from Kansas and coming on to Fort Gibson? A Not particular I don't.
- Q Do you say it was on the river before or after? A That was about the time we were moving in here.
- Q Do you remember about what year that was? A No sir, I couldn't say what year it was, have no knowledge at all to be positive.
- Q How long was it after the close of the war? A Along in the next spring I think after the close of the war in June, I believe it was.
- Q Have you known her ever since that time? A Yes sir.
- Q How have you seen her off and on ever since then? A Yes sir.
- Q Where has she been living? A Yes sir.
- Q What nation did she live in? A Cherokee.

BY MR. DAVENPORT:

- Q How far do you or have you been living from her Ellis within the last 25 or 30 years? A About 45 or 50 miles.
- Q You have not seen her over once in 5 years for the last 25 years have you? A Yes sir I have seen her pretty often since,---
- Q She lived on Ganey River west of Talala for a number of years, and you lived up about Bluejacket? A Yes sir.
- Q About 50 or 60 miles apart? A Yes sir.
- Q You don't know what year you saw her on Mud Creek? A No sir, I couldn't say.
- Q With whom was she living with at that time? A She had a husband by the name of John Shafer.
- Q Who was he living with? A Just him and his family? A
- Q Did they have a farm? A No sir.
- Q What part of Mud Creek were they living on? A Just on the south side of Neosho River, maybe you are acquainted about where it is. You know where Mr. Mills place is.
- Q I know where it is now but was it there then? A No sir.
- Q Well how far from the mawk mouth where Mud Creek empties into Neosho River? A About a mile.
- Q What direction? A North, on the north side of Mud Creek.
- Q Don't you know that until E. N. Ratoliff bought that place, there wasn't a place cleared out? A This was on the prairie.
- Q Don't you know that from the mouth of Mud Creek there is timber for nearly three miles up that river? A Well on this side there is not timber.
- Q You said on the north side of Mud Creek awhile ago? A This place was an old place, there was an old log house set there just before the war.
- Q Whose place was that? A I don't know who built it.
- Q Did you ever hear any name for it? A I have heard but I disremember,--lets see,--I think it was the Elythe place.
- Q Haven't you got your dates and names mixed up for the old Campbell Ranch place that was built there in 1869 or '70 by Campbell? A This was north of it, but I don't remember whose place it was.
- Q How far was it from where old man Campbell built his ranch place in 1868 or '69? A Above the Campbell place just about a half mile north of that, the first old place in that whole country.
- Q Who owns the place now where they live, do you know anything about it? A I think the place now belongs to a white woman she lives in Chetopa, she is a Shawnee woman.
- Q Was it Milt Drake's wife? A No sir.
- Q Was it the old Daughitt place? A I don't remember.
- Q You don't remember what year it was or what place it was, do you Ellis? A I would not say positive.
- Q You know that there was no farms on Mud Creek until after the war? A Yes sir I know that.
- Q There wasn't any settlement until after the war along Mud Creek? A There was a large patch there right by this old house.
- Q You didn't see her until after this Farmer place had been made? A No sir the Farmer place hadn't been made.
- Q Did you see her before or after Chetopa had started? A Chetopa just started.
- Q How did you come down into that country then? A I went from Big Creek up there to look out for a location.
- Q Where did you cross the railroad? A The railroad hadn't come through if I remember right.
- Q What do you say about that, do you know where it was? A I don't think the railroad had passed Chetopa yet up to that time.
- Q Had it got to Chetopa? A I don't think it had.
- Q Do you know anything about it? A I know where the railroad came through.

- Q You had known her before the war, had you? A No sir.
- Q How long was it after you claimed you first saw her up there until you saw her again? A After that I saw them pretty often for they lived up there on Mud Creek a little bit south of Chetopa on Mud creek.
- Q When did you go into the neighborhood of Mud Creek to live, if ever at all? A I never lived there.
- Q How near did you live to Mud Creek? A On Big Creek.
- Q That was about 30 miles away? A Yes sir.
- Q How long was it when you first saw her until she went over on Caney River? A I couldn't tell just how long they did live there.
- Q You don't know what year you saw her up there? A I would not be positive, I couldn't tell the time.
- Q You don't know what place she was living when you did see her? A Yes sir, I know the place.
- Q You don't know whose place? A No sir.
- Q How old were you then? A I must have been about 25 or 30 years old.
- Q How old was she? A I couldn't tell.
- Q How old are you now? A I must be about 62 years old.
- Q And you were about 25 then? A I would not be positive about my age then.
- Q And you saw her up there then about 27 years ago, didn't you? A I would not say that it was 27 years ago.
- Q Are you any relation to her? A No sir, only she has been a sister-in-law of mine.
- Q Now Ellise can't you get down and tell us something about some year, as to when you claim you saw her? A No sir, I couldn't say positive.
- Q You don't know anything about where she had lived before that time? A No sir.
- Q Did she have any children? A Yes sir, she had some children.
- Q The time you first saw her up there? A Yes sir.
- Q How many? A I think she had three.
- Q Do you remember their names? A One was named Joe and the oldest one,--I think the oldest girl,---
- Q There was a child older than Joe? A I think Joe was the oldest.
- Q Are you sure she had three children? A To the best of my knowledge at that time I think she had three.
- Q Did she have any in 1864 when you first saw her in Kansas? A No sir.
- Q ~~xxx~~ Do you know whether she was married then? A No sir.
- Q The three children were born after the time you saw her in Kansas in 1864 to the time you saw her up there on the Neosho River? A Yes sir.
- BY MR. STANWICK:
- Q Do you know positive whether she had any children in Fort Scott or not? A No sir.
- Q Do you know positive just how many children she had when she lived on Mud Creek when you first saw her? A No sir, but it seems to me she had two or three.
- Q You saw some children around there? A Yes sir.
- Q Are you positive the children you saw around there were her children? A Yes sir, supposed to be.
- Q Do you remember positive how many she had at that time, or might you have them mixed with some other time that you saw her with children? A I couldn't say that I would be positive of the number she did have. I couldn't say positive.
- Q Did you return from Kansas yourself after the war, or during the war? A Yes sir.



Q How long after you returned was it before you saw her on Mad Creek? A It must have been probably a year.

Q Do you know when you returned? A In '66.

BY MR. DAVENPORT:

Q In the fall of 1865? A Yes sir, along in July sometime.

Q It was at least a year after that before you saw her down here?

A I would not be positive.

Q As you recollect when you did see her she had three children, did she? A Yes sir.

Q And she wasn't married when you saw her in Kansas in 1864?

A I think she was but she didn't have any children.

BY THE COMMISSION:

Q Are you on the final roll? A Yes sir.

This case continued until June 15, 1906.

-----o-----

George H. Linsley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Linsley*

Subscribed and sworn to before me this 30th day of June, 1906.

*Edward M. Munn*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JUNE 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY J. PHILLIPS as a citizen by blood of the Cherokee Nation.

Testimony on behalf of the Cherokee Nation.

CATHERINE WASSON, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Catherine Wasson.
- Q What is your post office address? A Welch, I. T.
- Q How long have you lived in the Cherokee Nation? A About all my life only during the war, I lived in Kansas a little while.
- Q Do you know a locality in the Cherokee Nation on Neosho River where there is a creek called Mud Creek? A Yes sir.
- Q Did you ever live in that neighborhood? A Yes sir.
- Q About how long is Mud Creek from the source to where it empties into the Neosho River? A I think about 7 or 8 miles.
- Q When did you move into that locality with reference to the close of the war? A My cousin that raised me bought a place up there on Timber Hill and moved there in 1867.
- Q That Timber Hill was how far from Mud Creek? A About two miles.
- Q How long did you live at Timber Hill after you moved up there? A Until I married and that was about two years.
- Q To whom were you married at that time? A Larkin Goddard.
- Q I will ask you if your husband, Mr. Goddard, is the man who owned at one time what is known as the Goddard place on Mud Creek? A Yes sir.
- Q After you and he were married, where did you live then? A Lived on Cabin Creek for about a year, and then we moved back about two or three miles from the old Goddard place.
- Q How long did you continue to live there? A Up until his death, two or three years.
- Q Then after you moved away from there how far did you move from this locality? A Well I moved just back down on Grand River and stayed there awhile and then went from there to Chetopa and lived in Chetopa and around Chetopa ever since.
- Q Did you ever know a colored man by the name of John Shafer living in that locality? A I have heard of the man.
- Q Did you ever know a colored ~~man~~ ~~lived with him~~ woman who lived with him by the name of Nicey? A The best I can remember about the woman when he lived up there around where he lived he lived on up near the old Boudinot place, in all I know about him, he lived there the first I ever knew about him.
- Q Did John Shafer during the time of which your husband lived prior to his death, live on Mud Creek at the old Goddard place? A No sir not that ever I heard of.
- Q You were living there then two miles of it? A He never lived there after we moved to that Timber Hill and I know I would have known it because I lived there.

- Q You know of John Shafer coming into the country and living on Russell Creek? A Yes sir, he lived up on Russell Creek inx near that old Boudinot farm.
- Q What year did he move up there as near as you can remember?
- A I guess that must have been along in 1872 or 1873.
- Q Can you remember whether it was before or after the Katy Railroad built through that section of country? A It was after that, that he lived there, before that, I don't know.
- Q How far from the place there where he was living to the place you were living when you knew he was there? A It was about the old Henderson place. What do you mean, I don't understand you.
- Q When you learned that he was there in the country, how far did he live from where your place was? A About 8 or 10 miles. Well it was 10 miles anyway, maybe 12.
- Q You are positive that he didn't live on the old Goddard place when you and your husband, Mr. Goddard, were married? A No sir, I know he didn't because Mr. Goddard sold the place to White.
- C And he didn't live on that farm or near it there to your knowledge during the life of Mr. Goddard? A No sir not after I knew anything about him.
- C And the first as I understand you, is when he was living up on Russell Creek? A Yes sir.
- Q That is a few miles south of Chetopa, Kansas? A Yes sir.
- Q You say your husband sold that farm to Mr. White? A He sold it to some Shawnees by the name of White.
- Q Do you know whether it changed after that? A No sir, I never paid any more attention to the place, I just heard of it then and knew it as long as the Whites lived there.
- Q Where is the farmer place or what is know now as the Farmer place? A I guess that is it.

BY THE COMMISSION:

- Q How old are you? A 50 years old this next fall.
- Q You were pretty small at the end of the war? A Yes sir.
- Q Do you know wancy J. Phillips, or Nicey Phillips? A I am not personally acquainted with her, I used to see her occasionally when she lived on Russell Creek there, is that John Shafer's wife.
- Q Well this woman that is supposed to be the wife of John Shafer, when did you first know about her? A Know about John Shafer.
- Q Yes? A The first I knew about him was 1873 or 1874.
- Q Never did know anything about him before that? A No sir.
- Q Did you know the woman that he was living with at that time? A I have seen her, I don't know.
- Q Do you know the name? A I have heard the name but I don't remember.
- Q Do you remember whether it was wancy or Nicey? A No sir, I don't.
- Q So far as you know they might have been in that neighborhood some years prior to that, might they? A They lived up there on Russell Creek, that is all the first and last that I ever knew about them.
- Q Do you know where they came from there? A No sir.
- Q Do you know what became of him afterwards? A I have heard some of them say he is dead.
- Q How long did he live in that neighborhood? A I hardly remember now it has been several years ago, and they lived there quite a good while, and after he died I understand his family lived near there.
- Q Did I understand you to say that your husband owned the Goddard place? A Yes sir.
- Q Do you know when he bought it? A I don't know whether he bought it or improved it.



- Q Do you know when he took possession of it? A No sir.
- Q That was prior to 1872 wasn't it? A No sir, he owned it before 1872.
- Q You don't know how long before that he had that property, do you?
- A I suppose after he came back here likely from the war, he was a soldier and came home.
- Q When did you know that place was first called the Goddard place?
- A I think after we moved to the Timber Hill, my cousin bought a place known as the Timber Hill place and during our stay there I learned he lived up there, after we moved there, there was only a few neighbors in that neighborhood and this Goddard farm was one of them.
- Q Was that right a way after the close of the war? A Well, we didn't go up there until 1867 and I was small. Of course I wasn't so small either but then I reckon I would have know this negro if he had lived on the place.
- Q How far is this Timber Hill place from the Goddard place? A About two miles.
- Q Did you visit it very much? A No sir.
- Q Do you know of your own knowledge who lived there between the years of 1866 and 1870? A I couldn't say anything about '66, but I know from the time that we went there in '67.
- Q Who was living there from 1867 until 1870? A After Mr. Goddard sold the place it must have been along about,--I don't know either I never paid any attention, but the best I remember about it, he must have sold it to this White, and whether it changes hands after that or not I couldn't say, I don't know anything about who owns it now.
- Q How you went up to Timber Hill about 1867? A Yes sir.
- Q In 1867 who was living on the Goddard place? A Mr. Goddard, I reckon.
- Q Do you know whether he was living there or not? A No sir, I don't know but he sold the place to these Whites along about that time.
- Q Do you know who was living on that Goddard place in 1867? A It was either the Whites or Mr. Goddard.
- BY MR. DAVENPORT:
- Q You never heard or know of this negro family of Shafers living on that place from the time you went up to the Timber Hill until after Mr. Goddard's death? A No sir.

This case was here continued to June 22, 1905.

-----000-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 8th day of July, 1905.

*Myron White.*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JUNE 22, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY J. PHILLIPS as a citizen of the Cherokee Nation.

APPEARANCES:

Applicant appears neither in person or by Attorney.  
Cherokee Nation, by W. W. Hastings and J. S. Davenport.

SARAH E. HIGH, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Sarah E. High.  
Q What is your post office? A Chetopa, Kansas.  
Q What is your age? A 47.  
Q How long have you lived near Chetopa or in Chetopa? A We have not lived in Chetopa at all only school times, we lived there off and on for about 8 years at school times.  
Q Where did you live before you moved to Chetopa? A Down on father's place, down at the mouth of Russell Creek.  
Q What country? A Cherokee Nation.  
Q Did you ever live on Neosho River near Mud Creek? A Yes sir.  
Q When did you first move on Mud Creek? A In 1867, in March, 1867.  
Q How long did you continued to live there before you moved to Russell Creek? A About a year and a half.  
Q How far did you live from the Goddard place? A About a mile.  
Q Who lived on the Goddard place near you when you were living on Mud Creek in 1867? A Mr. Goddard himself.  
Q Did you ever get acquainted with a colored man by the name of John Shafer? A Yes sir.  
Q When was that Mrs. High, when did you get acquainted with him?  
A Along about the latter part of 1868 I guess, a while after I moved up on Russell Creek.  
Q Was John Shafer living on the Goddard place during 1867? A No sir.  
Q Did he live there in that neighborhood? A No sir.  
Q As I understand you, you moved from Mud Creek to Russell Creek in 1868? A Yes sir.  
Q You were a girl then? A Yes sir, 12 years old.  
Q After you moved up on Russell Creek you got acquainted with Shafer? A Yes sir.  
Q Did you know his wife's name? A No sir.  
Q Did you ever hear it? A Yes sir.  
Q What was it? A It was Nancy.  
Q Did you ever see her? A No sir.  
Q How far from where you lived on Russell Creek was it to where John Shafer and his family lived? A About 8 miles.  
Q They lived nearer to Chetopa than you did? A No sir, we lived the nearest.  
Q When do you think it was you got acquainted with Shafer and moved in there to Russell Creek, what year I mean? A I couldn't tell you that but it seems to me it was quite a little bit afterwards.  
Q He lived there continuously until his death after you knew of his moving in there? A Yes sir, he lived there until he died there.

BY THE COMMISSION:

Q Do you know the applicant in this case, Nancy J. Phillips?

A No sir.

Q Never heard of her? A Yes sir, I don't know of Phillips.

Q When did you first get acquainted with her? A I never met her at all.

Q Do you know whether she was living in the Goddard place in 1867?

A No sir, she was not, Mr. Goddard lived there himself, he was one of our nearest neighbors.

Q Might not this colored family been living on that place without you knowing it in 1866 or 1867? A They could have lived there in 1866 for we didn't move there until the spring of 1867.

Q Was there a colored family in that neighborhood then? A Yes sir, one colored family by the name of Brown.

Q You were a very small girl at that time? A Yes sir, I was 12 years old.

Q That would make you then 57 years old? A Well I don't know then, I was just judging about it.

Q Then you were about 5 years old? A No I was older than that, I was born in 1858.

Q Where was this Shafer living when you first knew him? A Up on Russell Creek, right at the mouth.

Q What year was that? A 1868, the latter part of '68.

Q Was he just coming to that neighborhood at that time? A Yes sir.

Q Was Nancy living with him at that time? A Yes sir.

Q You don't know where they came from there do you? A No sir.

Q How long did they stay in that neighborhood? A Until he died, he and she parted.

Q How long since, he has been dead, do you know? A No sir.

WILLIAM H. NOBLE, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A William H. Noble.

Q What is your age? A 65.

Q What is your post office? A Edna, Kansas.

Q How long have you lived in the Cherokee nation? A Ever since about 1867.

Q What part of the Nation did you first come to? A Came to the Cherokee Nation where Chetopa stands now, moved there from down on Cabin Creek.

Q Did you know a colored man by the name of John Shafer that lived up there toward Chetopa? A Yes sir.

Q Where was John Shafer when you first got acquainted with him?

A Building a house on the head of Russell Creek.

Q Where is Russell Creek? A About a mile and a half or two miles south of the State line.

Q In California or Oregon? A In the Cherokee Nation.

Q When was it that you saw him there building that house on Russell Creek, what year? A It was in the spring of 1868 to the best of my recollection.

Q What year did you come back after the war to the Cherokee nation?

A The 10th day of March, 1866.

Q Where did you locate when you first came back? A Right across the river from Chetopa, Kansas.

Q How long did you live there before you moved there to Big Creek? A About a year I reckon, I made my home with McGhee.

Q Did you stay there one crop season? A Yes sir.

Q Then you moved over to Big Cabin a little farther south? A Yes sir.

Q Where were you living when you first saw John Shafer? A Living on Cabin Creek in the Cherokee nation, and in going back and forth

to Ghetopa we went right by where he lived.

Q Do you know where Mud Creek is in the Cherokee Nation? A Yes sir.

Q How far from Ghetopa? A I reckon about ten miles.

Q Were you in the Mud Creek neighborhood during the years 1866 and 1867 and 1868? A I was there in 1867 and '68, I don't think I was there much in '66. I was back and forth there during '67 and '68.

Q Did you know of John Shafer living anywhere in the Cherokee Nation before he located on Russell Creek? A No sir, I didn't know him until he lived up there.

Q Do you know where the Goddard place is in the Cherokee nation? A Yes sir.

Q Had you been around that neighborhood during the years 1866 or 1867? A In '67 and '68 I was around there, Goddard lived there himself.

Q Who lived there then? A Goddard.

Q Do you know whether or not John Shafer lived on that place in 1867? A I don't know that.

Q And you first saw him in 1868 building a house on Russell Creek? A Yes sir.

Q Did you have any conversation with him? A Just stopped and talked with him.

Q Did you know his wife? A Yes sir, I knew her a yellow woman, pretty lively to talk to.

Q Was she living there with him or had he moved? A They camped there then.

Q Did he continue to live there on Russell Creek up until the time of his death, or do you know? A No sir, I don't know, I was back and forwards about a year and a half and then I went farther away.

BY THE COMMISSION:

Q You state you first got acquainted with Shafer in 1868? A Yes sir, along in the spring of '68.

Q Are you prepared to swear that he wasn't in the Cherokee nation in 1866 or early part of 1867? A No sir, I don't know, I didn't see him until I saw him there on Russell Creek.

Q And you don't know a thing about his wife either prior to 1868?

A No sir.

Q You never saw her before that time? A Not that I know of.

This case was here continued until July 6, 1905.

-----600-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 7th day of July, 1905.

*Myron White*  
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~In the matter of the application for the enrollment of~~  
Nancy J. Phillips and her minor child, Lula Phillips, as citizens  
of the Cherokee Nation.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, on November 21, 1900, Nancy J. Phillips appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor child, Lula Phillips, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 21, 1902.

The records further show that said applicants could not be identified on the rolls as persons who were recognized citizens of the Cherokee Nation and lawfully enrolled or admitted as such, and that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, refusing, under the provisions of the Act of Congress approved May 31, 1900 (31 Stat., 221), to receive, consider, or make any record of said application, and that said decision was, on August 29, 1902, duly approved by the Department (I.T.D. 4994, 5147-1902).

The records further show that, thereafter, said applicant claimed for herself and minor child, Lula Phillips, the right to enrollment as freedmen citizens of the Cherokee Nation, and requested an opportunity to introduce testimony to show such right; that said request was granted by the Commission to the Five Civilized Tribes, and proceedings relative thereto were had before said Commission at Muskogee, Indian Territory, on February 24, June 8, 16, and 28, 1903, and that on September 18, 1905 (I.T.D. 3246-1905), in compliance with the request of the Commission to the Five Civilized Tribes of March 15, 1905, the Department returned the papers in said case, to be used in that connection.

On November 21, 1900, the said Nancy J. Phillips made her initial application for enrollment and testified, in part, as follows:

- "Q What is your name? A Nancy J. Phillips.  
Q What is your age? A 52.  
Q What is your postoffice address? A Talala.  
Q Are you a Cherokee citizen? A Yes sir, part Cherokee.  
Q How much Cherokee blood have you? A About a quarter.  
.....  
Q What is your father's name? A Henry Robison.  
Q Is he living? A No sir.  
Q Was your father a Cherokee? A Part Cherokee and part colored.



Q. Give me the name of your mother? A. Ann Henry Harrison.  
Q. Is she alive? A. She is dead.  
Q. Was your mother a Cherokee? A. Part."

The representatives of the Cherokee Nation protest against the application of Nancy J. Phillips made February 24, 1905, to have the rights of herself and her child, Lula Phillips to enrollment as citizens of the Cherokee Nation adjudicated as applicants for enrollment as freedmen citizens of the Cherokee Nation, claiming that under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 716), which, in part, provides:

"....but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

this office was without authority on February 24, 1905, to receive, consider, or make any record of said application.

This office considers, in view of the record, that the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as Cherokee Freedmen, is not affected by reason of the fact that their rights to enrollment as citizens by blood of the Cherokee Nation were passed upon in the decision of the Commission to the Five Civilized Tribes of July 29, 1902, and the Department's decision of August 29, 1902 (I.T.D. 4994, 5147-1902).

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Nancy J. Phillips, claims that she was a free colored person residing in the Cherokee country at the commencement of the war of the rebellion, and claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the provisions of Article IX of the Treaty of 1866; but, after ample opportunity having been afforded the said Nancy J. Phillips to establish by satisfactory evidence her right to enrollment as a Cherokee freedman, she has failed to do so, or to show that she possesses any rights whatever to Cherokee Freedman citizenship, hence her application for enrollment comes within the rulings of the Department in the cases of Eliza J. Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al. (I.T.D. 6410, 12688-04), Florence Bratcher (I.T.D. 12692-04), and Frankie Grinnett (I.T.D. 17902-05).

The evidence further shows that the minor applicant, herein, Lula Phillips, is the daughter of the said Nancy J. Phillips, was born since 1866, and claims and possesses no right to enrollment not possessed by her said mother.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Nancy J. Phillips and Lula Phillips are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly denied.

Muskogee, Indian Territory,

this JUL 16 1906

  
Commissioner

Without passing upon the question as to whether or not the applicant made application, as contended by the Attorney for the Nation, and without prejudice whatsoever, the examiner will allow the applicants at the present time to introduce testimony affecting their rights, with the understanding that in case the Commission should hold that it is without authority to receive or hear this application, then this testimony hereafter taken shall be stricken from the record. If the Commission should hold that they have a right to pass upon this application at the present time, then the Cherokee Nation may introduce such testimony as they desire *in rebuttal*.

The examiner is of the opinion that by allowing this testimony, as herein stated, that no rights are jeopardized and that he allowed this testimony be taken for the further reason that there is no member of the Commission, or the Secretary, at present, in Muskogee.

( C O P Y )

Alluwee, I. T.

May 25th , 1887

Col. R. W. Chouteau,

"Car-tu-ss" I. T.

Esteemed friend:

In obedience to your request I have the honor to herewith enclosed you the marriage License of W. T. Phillips , which has been by me recorded in this office as provided by law, constitution and treaties.

Mr. Phillips is now a citizen, and Col. R. W. Chouteau will please deliver the Document to him.

I have the Honor to be your obedient and humble servant,

Wm. V. Varey Clk.

Cooweescoowee District

C.N.



~~11-11-1900~~

C 12 03

DEPARTMENT OF THE INT.  
MISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
NOV 21 1900

~~11-11-1900~~

A. T. C. ARMAN

*Talala*

Indian Territory,

NOV 2 1900

190 .

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself and those represented by me in said application, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

*Nancy J. Phillips*

No. 221

*Nancy J. Phillips, et al.*

vs.

CHEROKEE NATION.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1205

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902. 1902.

Mrs. Nancy J. Phillips,

Talala, Indian Territory.

Madam:-

You are hereby notified that the application of yourself and one minor child

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 21, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,



Register.

Commissioner in Charge.

COPY.

Cherokee D 1204.

Muskogee, Indian Territory, July 29, 1902.

Nancy J. Phillips,

Talala, Indian Territory.

Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your child, Lula Phillips, as citizens by blood of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*J. Needles.*

Commissioner in Charge.

Register.

Enc. C. No. 30.

COPY.

Cherokee D 1206.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Nancy J. Phillips for the enrollment of herself and her child, Lula Phillips, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

*L. E. Needles.*

Commissioner in Charge.

Enc. C. No. 31.

COPY.  
Cherokee D 1206.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nancy J. Phillips for the enrollment of herself and her child, Lula Phillips, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

*J. B. Needles*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

1 Inclosure-

C. No. 32.

( C O P Y )

Refer in reply to  
the following:

Land  
45582-1902

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

August 15, 1902.

The Honorable

The secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Nancy J. Phillips, for the enrollment of herself and her minor child, Lula Phillips, as citizens by blood of the Cherokee Nation.

It does not appear that either of the applicants have ever been enrolled as citizens of the Cherokee Nation by the tribal authorities thereof, or that they have been admitted to citizenship by either the legally constituted authorities, the Commission or by the United States Courts in the Indian territory.

The Commission held that it had no authority to receive, consider or make any record of their applications.

The office agrees with the Commission's conclusions, and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner

WCV  
D

3 inclosures

( C O P Y )

D. C. No. 14408-1902

L. R. S.

I. T. D. 4994, 5147-1902. 51781

J.W.H.

CMR

DEPARTMENT OF THE INTERIOR

WASHINGTON.

August 29, 1902

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 29, 1902, you transmitted the record of proceedings had in the matter of the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as citizens by blood of the Cherokee Nation, including your decision of said date refusing to enroll the applicants.

From the record it appears that the principal applicant is 52 years of age; that she has lived in the Indian Territory all her life; and that she is of Cherokee and Negro descent on her father's side, and that her mother was part Cherokee. In 1886 she was married to a white man by the name of Wesley Phillips. Prior thereto her name was Shaffer. Lula Phillips is their daughter. The names of these applicants do not appear on any of the Cherokee rolls.

August 20, 1902, additional testimony was filed in the case in the form of a series of permits issued to one W. T. Phillips (presumably the principal applicant's husband) as a citizen of the Cherokee Nation, and a marriage license, in which the principal applicant is described as a bona fide citizen of the Cherokee Nation.



~~The testimony as shown above cannot prevail, however,~~  
in the face of the fact that the names of these applicants are not found upon any of the Cherokee rolls as required in section 21 of the Act of June 28, 1898 ( 30 Stat., 495).

August 15, 1902, the Acting Commissioner of Indian Affairs recommended that your action be approved. The department concurs therein and your decision is accordingly affirmed.

Copy of said letter of the Acting commissioner is inclosed.

Respectfully,

Thos. Ryan,

Acting secretary  
EDD

1 inclosure.

Cherokee D 1206.

COPY.

~~Muskogee, Indian Territory, September 17, 1902.~~

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Nancy J. Phillips for the enrollment of herself and her child, Lula Phillips, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Samuel J. Brady*  
Acting Chairman.

Cherokee D 1200.

*copy*  
Muskogee, Indian Territory, September 17, 1902.

Nancy J. Phillips,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself and your daughter, Lula Phillips, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

*Tamm Dyer*

Acting Chairman.

GDR.

(COPY)

CMMcH.

Muskogee, Indian Territory, January 18, 1906.

Wade S. Stanfield,

Vinita, Indian Territory.

Dear sir:

The Commission is in receipt of your letter of January 16, 1906, asking as to the citizenship status of certain parties, applicants for enrollment before this Commission.

In reply you are advised that the records of the Commission show that Emma Purtle (Cherokee Freedman D-265), her son, Walter Vann (Cherokee Freedman D-596), her daughter, Ellen Landrum (Cherokee Freedman D-596), were rejected by the Commission and its action approved by the Secretary of the Interior on November 12, 1904.

Relative to your statement that Nancy Jane Phillips, who has heretofore been denied enrollment as a Cherokee by blood by this Commission, possesses rights to enrollment as a Cherokee Freedman, you are advised that she will be allowed to appear before the Commission at any time she may choose and introduce testimony to establish this fact.

Respectfully,

(Signed) Tams Birby.

Chairman.

COPY.

Cherokee R-722

Washago, Indian Territory, March 15, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

On November 21, 1900, Nancy J. Phillips appeared before this Commission and made application for the enrollment of herself and her minor child, Lula Phillips, as citizens of the Cherokee Nation, their names being listed on Card, Cherokee D-1305. Thereafter, on July 29, 1902, the Commission rendered its decision in said case, wherein it was held that under the provisions of the Act of Congress approved May 31, 1900, (32 Stats., 221), the Commission was without authority to receive, consider or make any record of their application for enrollment as citizens of the Cherokee Nation. The Department, in its letter of August 29, 1902, (I.T.D.4994, 5147-1902), approved said decision.

On February 24, 1908, Nancy J. Phillips, the principal applicant, appeared before this Commission and gave testimony tending to show that she and her minor child were entitled to rights as Cherokee Freedmen, under Article 9 of the Treaty of 1866.

In order that the rights of said applicants, as Cherokee Freedmen, may be passed upon, it is respectfully requested that said

case be remanded for further investigation and readjudication.

Respectfully,

(SIGNED) *Tamc Bixby.*  
Chairman.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee R-722.

Muskogee, Indian Territory, May 24, 1905.

Wade S. Stanfield,

Attorney for Nancy J. Phillips, et al.,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 17, 1905, relative to the enrollment of Nancy J. Phillips, et al., as Cherokee Freedmen.

In reply you are advised that this case will be taken up for final consideration by the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, at which time the applicants will be permitted to appear and introduce such testimony as they may desire in support of said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

There is herewith inclosed supplemental testimony taken at Muskogee, Indian Territory, on February 24, 1905, in this case, together with blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED)

*Tame Bixby*

Chairman.

Incl 8-54.

Register.

Cherokee R-722.

COPY.

Muskogee, Indian Territory, July 27, 1905.

Wade S. Stanfield,

Attorney for Nancy J. Phillips, et al.,

Vinita, Indian Territory.

Dear Sir:

There are inclosed you, herewith, copies of supplemental testimony of June 8, 15 and 22, 1905, taken in the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of Nancy J. Phillips, et al., together with a receipt for same which you are requested to sign and return to this office.

Respectfully,

Incl. S-17

SIGNED. *Tame Dixey*  
Commissioner.



D.C. 44187-1905

( C O P Y )

Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,

I.T.D. 3246-1905  
L. R S.

WASHINGTON.

September 18, 1905

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In compliance with the request of the Commission to the Five Civilized Tribes of March 15, 1905, the papers in the case of Nancy J. Phillips, for the enrollment of herself and child as citizens of the Cherokee Nation by blood, are inclosed to be considered in connection with her application for enrollment as a Cherokee freedman, under article 9 of the treaty of 1866.

A copy of the Indian Office letter of March 29, 1905, submitting the letter of March 15, 1905, is inclosed.

Respectfully,

3 inclosures.

(Signed) THOS RYAN  
Actin Secretary

COPY.

Cherokee H-722.

Muskogee, Indian Territory, May 24, 1905.

Nancy J. Phillips,

Vera, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al. as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED).

*Lame Bixby.*

Chairman.

Register.

COPY.

Cherokee R-722.

Muskogee, Indian Territory, May 26, 1906.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Nancy J. Phillips, et al. as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, at which time the Cherokee Nation will be permitted to appear and introduce such testimony as it may desire in this case.

The said Nancy J. Phillips as been directed to appear before the Commission on that date when an opportunity will be given her to introduce such testimony as she may desire in support of her said application.

Respectfully,

SIGNED, *Lame Bixby.*  
Chairman.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.F.  
LRS

I.T.D. 3246-1905.

September 18, 1905.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In compliance with the request of the Commission to the Five Civilized Tribes of March 15, 1905, the papers in the case of Nancy J. Phillips, for the enrollment of herself and child as citizens of the Cherokee Nation by blood, are inclosed to be considered in connection with her application for enrollment as a Cherokee freedman, under article 9 of the treaty of 1866.

A copy of the Indian Office letter of March 29, 1905, submitting the letter of March 15, 1905, is inclosed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

3 inclosures.

SEYMOUR RIDDLE  
ATTORNEY AT LAW  
VINITA, I. T.

March ,1906.

To The Commissioner of  
the Five Civilized Tribes,

Muscogee, I. T.

Dear Sir,-----I have procured Mr. Seymour Riddle  
to represent me and Lula Friedric, nee, Phillips, Henry Shaffer,  
and Ollie Shaffer, my children, to reinstate us on the Freedman Roll.  
He has full authority to act for all or any of us in the above  
matter.

Very Truly Yours,

*Mrs. M. G. Campbell*

Cherokee R-722.

Muskogee, Indian Territory, March 30, 1906.

Seymour Riddle,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of March 27, inclosing a notice signed by Mrs. W. C. J. Campbell (Nancy J. Campbell), that you had been employed to represent her in the matter of her application for the enrollment of herself and children, Lula Friedric, nee Phillips, and Henry and Ollie Shaffer, as Cherokee freedmen. You ask to be furnished a copy of the record of proceedings had in their case.

In reply you are advised that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision in the matter of the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as citizens by blood of the Cherokee Nation, which decision was adverse to the applicants, and on that date a copy of the decision, together with a copy of the record of proceedings had in her case, was forwarded to the applicant. The same were, however, returned to this office unclaimed, and are inclosed herewith.

You are further advised that the Commission's decision referred to was, on August 29, 1902, affirmed by the Department,

and that on September 18, 1905, the case was remanded to this office and the papers returned to be used in connection with the adjudication of her claim to enrollment as a Cherokee freedman. Subsequent proceedings were had in the case on February 24, and June 8, 15 and 22, 1905, copies of which proceedings have been furnished Wade S. Stanfield of Vinita, Indian Territory, who is shown to be attorney of record in the case.

The records of this office show that no formal application was made for the enrollment of Henry and Ollie Shafer as Cherokee freedmen within the time limited by the Act of Congress approved July 1, 1902. The question as to whether or not this office has any jurisdiction over their case is pending before this office at the present time. There has been no testimony taken in connection with their claim.

Respectfully,

Incl. S-90

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee B 722.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 16, 1906.

Nancy J. Phillips,

Talala, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting your application for the enrollment of yourself and child, Lula Phillips as Cherokee freedmen.

Your attorney, Seymour Riddle, Vinita, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. M.A.16-2.

Register.

Commissioner.



COPY.

Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Nancy J. Phillips, et al., including the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application for the enrollment of Nancy J. and Lula Phillips as Cherokee freedmen.

Nancy J. Phillips, on November 21, 1901, applied for the enrollment of herself and daughter, Lula Phillips as citizens by blood of the Cherokee Nation; her application was rejected by the Commission to the Five Civilized Tribes on July 29, 1902, and its action was approved by the Secretary of the Interior August 29, 1902 (I.T.D.4994, 5147-02).

On February 24, 1903, Nancy J. Phillips appeared before the Commission to the Five Civilized Tribes and made application to have the rights of herself and said daughter

adjudicated as free men, and on September 18, 1908 (I.T.D. 2846-08), at the request of the Commission of March 18, 1908, the Department returned the record in the case to this office.

Respectfully,

E

(SIGNED).

*Tamie Dixby.*  
Commissioner.

Encl. 18-8.

Through the Commissioner of  
Indian Affairs.

Cherokee R 722.

COPY.

Muskogee, Indian Territory, July 16, 1906.

Seymour Riddle,

Attorney for Nancy J. Phillips, et al.,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. M.A.16-3.

SIGNED.

*Tame Dixby*

Commissioner.

Cherokee R 722.

COPY.

Muskogee, Indian Territory, July 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application of Nancy J. Phillips for the enrollment of herself and child, Lula Phillips, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. M.A.16-4.

SIGNED:

*Tams Dixby.*

Commissioner.

(Copy)

LAND

62189-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of August 29, 1902 (I.T.D. 4994, 5147), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 16, 1906, transmitting the record relative to the application of Nancy J. Phillips, et al., for enrollment as citizens of the Cherokee Nation.

On November 21, 1900, Nancy J. Phillips applied to the Commission to the Five Civilized Tribes, at Chelsea, Indian Territory, for the enrollment of herself and her minor child, Lula Phillips, as citizens. Further proceedings were had at Muskogee, Indian Territory, on March 21, 1902.

On July 29, 1902, the Commission decided that the applicants were not entitled to be enrolled as citizens of the Cherokee Nation, which decision was approved by the Department on August 29, 1902 (I.T.D. 4994, 5147).

The applicants were given an opportunity to introduce testimony to show that they were entitled to be enrolled as Cherokee freedmen, and further proceedings were had in this case before the

Commission at Muskogee, Indian Territory, on February 24, June 8, 16 and 28, 1905.

The Cherokee Nation, through its representatives, protests against the enrollment of the applicants as Cherokee freedmen.

On July 16, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The principal applicant is a colored woman, who claims to have resided in the Cherokee Nation at the commencement of the war of the rebellion, and who also claims to be entitled to enrollment as a Cherokee freedman under the provisions of Article 9 of the Treaty of 1866.

The evidence does not bear out the claim of the applicant, nor does it show that she is entitled to such enrollment. The evidence does show that the applicant was taken to Fort Scott, Kansas, before the war, and that she did not return to the Cherokee Nation within the time specified in Section 3 of the Act of April 26, 1906 (34 Stat.L., 137).

The minor applicant, Lula Phillips, is the daughter of the principal applicant, and was born about the year 1857 or 1858. She derives whatever right she may possess to be enrolled as a Cherokee freedman through her mother.

In view of the evidence in this case, the decision of the Commissioner adverse to these applicants is recommended for approval.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

RED-M

DEPARTMENT OF THE INTERIOR, LEB  
WASHINGTON.

D.C.4394-1907

January 17, 1907.

I.T.D.66-1907.

IRS.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

July 16, 1906, you transmitted the record in the matter of the application for the enrollment of Nancy J. Phillips and her minor child, Lula Phillips, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 3, 1907 (Land 62159-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 722

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 30, 1907.

Nancy J. Phillips,

Vera, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application of yourself and child, Lula Phillips, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 17, 1907.

Respectfully,



Commissioner.

E.R.C.



Cherokee

R 722

Muskogee, Indian Territory. January 30, 1907.

Seymour Riddle,

Attorney for Nancy J. Phillips, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 16, 1906, rejecting the application of Nancy J. Phillips, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

H.R.C.  
Enc. H.C. 234.

Commissioner.

Cherokee  
R 722

Muskogee, Indian Territory. January 30, 1907.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application of Nancy J. Phillips, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E.R.C.  
Enc.R.C.226.

Commissioner.

1205

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE ...  
JUL 11 1901  
JUL 20 1901

COMMISSIONERS

HENRY L. DAWFS,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful; claims to have drawn bread money,  
and to have drawn money when Downing was Chief; not identified on  
any roll, nor evidence of admission; see if she has rights as  
Freedman; child's father white;- Judgment stated.

Cherokee D 1205

CHEROKEE CASE

No. D-1205

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT  
OF

Nancy J. Phillips

Lula Phillips

Department of the Interior,

RECEIVED

AUG 16 1902

Enc. No. 1 of 1

Indian Territory Division.

DEPARTMENT OF THE INTERIOR.

MAR 30 1905

Returned with No. 3246

Inclosure. IND. TER. DIV.

As \_\_\_\_\_ citizen

of the Cherokee Nation

Muskogee, I. T., July 29, 1902, 190

Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman

Enc. 32

Cher R 723

Cher R 723

~~D-6~~

CHEROKEE

R ~~722~~  
-723

(220)

Department of the Interior

Commission to the Five Civilized Tribes

In the Matter of the Allotment of the Lands  
of the Choctaws and Chickasaws

*Frederick Beck*

REFUSED - ~~722~~

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 29 1902

~~722~~

R. 723

END  
OF  
ROLL



